

SCHOOL ELECTION HANDBOOK

**Montana Association of School Business Officials
Montana Office of Public Instruction
Montana Secretary of State**



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Purpose

This School Election Handbook is intended to assist the election administrator of school elections in the administration and operation of school elections.

The Clerk of the School District is the Election Administrator of all school district elections under most circumstances. However, by June 1 of the year preceding the election, the Board of Trustees may request the County Election Administrator (usually the County Clerk and Recorder) to conduct the school district election(s). If the County Election Administrator accepts the responsibility, the County Election Administrator will conduct the school elections. **13-1-101 and 20-20-401, MCA**

Other Resources for Election Information

Election Judges' Handbook

Published by the Montana Secretary of State
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Helena, MT 59601
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Information about Trustee Elections

Montana School Boards Association
(MSBA)
1 South Montana
Helena, MT 59601
Telephone: (406) 442-2180
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SCHOOL ELECTIONS

SCHOOL ELECTION CALENDAR

The regular school election is held annually on the first Tuesday after the first Monday in May. Districts MUST conduct trustee and General Fund budget elections on this day. Other issues requiring voter approval can be presented at this election or on another date specified by the Board of Trustees. The "Special Elections" section of this handbook contains more detailed information on this topic. **20-3-304** and **20-20-105, MCA**

Montana law provides a specific timeline for all elections. In the calendar below, the dates provided are either the **first or the final day** to accomplish the task being mentioned. Read the text (or the statute cited) to determine the proper action, if uncertain.

<u>Number of Days Before /After Election</u>	<u>Action</u>
End of January	Contact the Montana Commissioner of Political Practices (MCPP) office at (406) 444-2942 if you are in (1) a first-class district located in a county with populations of 15,000 or more, OR (2) a county high school district with an enrollment of 2,000 or more and did NOT receive a notice and a packet of information from the MCPP. 13-37-206, MCA
Beginning 75 days before	Applications for absentee ballot may be requested. Voters may request an absentee ballot starting at this date and until noon the day before the election. (See <i>Voters in School Elections</i> for absentee voting requirements.) 13-13-211, MCA
At least 70 days before	Request for a mail ballot election must be sent from trustees to the election administrator. 13-19-202, MCA
At least 60 days before	Election administrator sends mail ballot election plan/timetable to the Secretary of State's Office. 13-19-205, MCA
At least 40 days before	Trustees call for an election. The trustees must pass a resolution stating: 1) the date of the election; 2) the purpose of the election; 3) the polling site(s) (if changed from previous school election); and 4) the time the polls will open, if before noon. The trustees do NOT have to set levy amounts at this time; however, they must be set in time for the clerk to certify the ballot. Sample resolutions are available in the School Election Handbook. The resolution must be delivered to the county election administrator at least 35 days before the election, but it need NOT be posted. The trustees must also appoint (name) three election judges per precinct. The resolution may appear in the board minutes. An election may also be called by the county superintendent, county commissioners, board of public education or the trustees of a community college. 20-20-401, 20-20-201, and 20-20-203, MCA

<u>Number of Days Before /After Election</u>	<u>Action</u>
No earlier than 135 days, or Later than 40 days before	<p>Trustee candidates file for election. Nomination petitions and oath of candidacy must be filed with election administrator. (See <i>Candidates for School Elections</i> for nomination requirements.) No group of petitioners may sign more nomination petitions than there are trustee positions open. No candidate may appear on the ballot unless he or she meets this deadline. 13-10-201(6), 13-10-501, 20-3-305 and 20-3-344, MCA</p> <p>Districts should also plan for the possibility of declaring the election by acclamation. Trustees anticipating the ability to declare the election should either pass the appropriate measures or schedule a meeting for the 26th day before the election. (See the School Election Handbook for more information.) 20-3-313, MCA</p>
By 35th day before	Trustees' resolution to call an election must be filed with county election administrator. 20-20-201(2), MCA
30th day before	<p>Voter registration closes. A voter must register by this deadline to vote in the school election. Election administrator prepares registration list. 20-20-311 and 20-20-312, MCA</p> <p>Absentee ballots must be available for bond elections if the bond election is to be held on a date other than the regular school Election Day in May. For other types of elections, see "20th day before." 13-13-204, MCA</p>
Not less than 20 days, or more than 30 days before	<p>Notice of election is posted. The election notice must be published in a newspaper of general circulation in the district <u>AND</u> posted in at least three public places in the district, provided that in incorporated cities and towns at least one notice must be posted in each ward or precinct. Radio or television notice may supplement the notice. The notice must include: 1) the date and polling places of the election; 2) polling place hours; 3) each proposition to be considered by the electorate; 4) the number of trustee positions, if any, subject to election and the length of the terms for those positions; and 5) where and how absentee ballots may be obtained.</p> <p>If the polling place has changed from the previous school election, that change must be referred to in the notice. If more than one proposition will be considered in the same district, each proposition must be set apart and identified, or placed in separate notices. 20-20-204, MCA (See <i>Affidavit of Posting Notices of Election</i>)</p>
No later 5:00pm 26 days before the election	Deadline for write-in candidate for a trustee position on a school board to file declaration of intent. (13-10-211(3), MCA) [not less than 26 days before the election]

<u>Number of Days Before /After Election</u>	<u>Action</u>
After 5pm 26 days before the election	Election by Acclamation and Cancellation of Election - Notice. If the number of candidates filing for a position and filing a declaration of intent to be a write-in candidate is equal to the number of positions to be elected, the trustees cancel the trustee election. They must then give notice that an election will not be held. Sample forms are available in the School Election Handbook.
Not less than 25 th day before	Election administrator certifies ballot. The election administrator prepares the final ballot form, listing all candidates and propositions to be voted upon. The ballot must then be delivered to the election administrator, if other than the clerk. See School Election Handbook for more information. Trustees must pass a resolution stating exact levy amounts by this date in order for the clerk to certify the ballot. This resolution must include: <ul style="list-style-type: none"> • Specific purpose for additional funds • Specific amount to be raised • Approximate number of mills • Durational limit, if any, on the levy <p>[not less than 25 days before election] 13-12-201, 20-20-401, and 15-10-425, MCA</p>
Not before the 25th day nor later than the 15th day	If mail ballot election is used, last day for ballots for mail election to be mailed. <i>All ballots must be mailed on the same day.</i> 13-19-207, MCA
Beginning 20th day before	Absentee ballots available. The election administrator prepares ballots for absentee voters. <u>Exception:</u> For bond elections held on days other than the regular school Election Day, absentee ballots must be available 30 days before the election. (See <i>Voters in School Elections</i> for absentee voting requirements.) 20-20-401, MCA
10th day	Deadline to notify election judges of appointment. 20-20-203, MCA
Day Before	Deadline for absentee ballot requests. Absentee ballots must be requested no later than noon the day before the election. If the voter has a health emergency between 5:00 p.m. the Friday before the election and noon on Election Day, an emergency request for an absentee ballot may be made by noon on Election Day. 13-13-211, MCA
1st Tuesday after the first Monday in May	ELECTION DAY. The election administrator must prepare the polling places, printed ballots, ensure election judges are present, and conduct a fair and unbiased election. (See <i>Election Procedures</i>) Title 13, Chapter 13, and 20-20-203, 20-20-401 and 20-20-411, MCA

<u>Number of Days Before /After Election</u>	<u>Action</u>
Following receipt of the certified tally sheets from all polls.	Trustees canvass the vote and issue election certificates. Trustees review the tally sheets compiled by the election judges to ascertain their accuracy. Recounts are ordered, if necessary. If tally is complete and accurate, trustees issue certificates of election to successful candidates. 20-20-415, MCA
Within 15 days after election	Trustees issue certificates of election and immediately publish canvassed results in the newspaper. 20-20-416, MCA
Within 15 days after receipt of certificate of election	Candidate completes and files Oath of Office with the County Superintendent. Newly elected trustees may not be seated until the oath is filed. 20-3-307, 20-1-202, and 1-6-101, MCA
3rd Saturday in May	Deadline for trustees to hold reorganization meeting to elect chair and appoint clerk. 20-3-321, MCA
June 1	Deadline for trustees to request county election administrator to conduct school elections for next year. The school district clerk/election administrator is designated the election administrator for school elections. However, the trustees of any district may request the county election administrator (EA) to become the election administrator for school elections. If the county EA accepts, then he/she must perform all the duties the school clerk would have. The school district must assume all costs of the election. 20-20-417, MCA

What happens when a deadline date falls on a weekend or holiday?

The deadline date can legally be extended to the next regular business day unless the deadline is phrased "No later than the _____ day before" in which case the deadline must be backed up. **1-1-307, MCA**

VOTERS IN SCHOOL ELECTIONS

Who may vote in a school election?

Any individual who meets the statutory qualifications of 13-1-111, MCA and is a resident of the school district is entitled to vote in a school district election.

The person must be: 1) registered to vote; 2) a U.S. citizen; 3) at least 18 years old by the date of the election; and 4) a resident of the state and county for at least 30 days before the date of the election. Persons who are 17 years old and will be 18 years old on Election Day may register to vote by the deadline and will be permitted to vote. If the election is for a single-member district, the person must be a resident of the district. **13-1-111, MCA**

The person must not be: 1) a convicted felon currently serving a sentence in a penal institution; or 2) determined to be of unsound mind for purposes of voting by a court of law. **20-20-301, MCA, and Article IV, Sec. 4, Montana Constitution**

Individuals wanting to vote in the school election must register or file a change of address if registered in another school district with the county election administrator (usually the clerk and recorder) no later than 30 days before the election. **20-20-311, MCA**

The county election administrator shall cancel the voter registration of anyone who fails to vote in two consecutive federal general elections. **13-2-402, MCA**

Are voters in school elections required to show ID before voting?

The identification requirements of federal and state law will not apply to school elections conducted by school election administrators. If the county conducts the school election on behalf of the school, the election administrator should contact the county attorney for advice on whether identification will be required at that election. **20-20-301, MCA**

What if a voter cannot make it to the polls on Election Day?

Voters may vote by absentee ballot. Voters may apply to the election administrator for an absentee ballot 75 days before the election. Absentee ballots are made available 20 days before the election (30 days before a bond election held at a time other than the regular election day). Voters wishing to use absentee ballots must apply for absentee ballots by noon the day before the election. Absentee ballots must be received before the polls close on Election Day to be counted. According to **13-13-212 MCA**, if a voter has a sudden health emergency occurring between 5:00 p.m. on the Friday preceding the election and noon on Election Day, he/she may apply for an emergency illness ballot, by phone or in writing, and a ballot must be delivered to him/her by a special board of election judges. **13-13-201 through 13-13-273 MCA**

Are districts required to validate the identification of electors who vote on absentee ballots?

As mentioned above, the identification requirements of federal and state law will not apply to school elections conducted by school election administrators. If the county conducts the school election on behalf of the school, the election administrator should contact the county attorney for advice on whether identification will be required at that election. **20-20-301, MCA**

What is an inactive voter and how do they become reactivated?

An inactive voter is an elector who failed to vote in the preceding federal general election and whose name has been placed on an inactive list. To be reactivated, inactive electors must:

1. Appear to vote in a federal election,
2. Change his/her address with the county election administrator, or
3. Complete a reactivation form with the county election administrator.

To be effective for a nonfederal (i.e., school) election, reactivation must occur no later than 30 days before the election. Inactive voters may vote provisionally; however, their votes will not count unless they can prove they were activated properly and within the allotted timeframe. **13-1-101, 13-2-220, 13-2-222, MCA**

What if a voter believes another voter is unqualified to vote?

Any voter may challenge another voter on or before Election Day if he or she believes the person is not qualified to vote. Common grounds for challenges include: 1) that the identity of the voter is not the same as the person registered; 2) that the voter does not reside at the place listed; 3) that the voter has been judged by a court to be of unsound mind; 4) that the person has voted in that election before; or, 5) that the voter has been convicted of a felony and is serving a sentence in a penal institution. Reference A.R.M. 44.3.2112 for a complete list of grounds upon which a voter may be challenged. Challenged voters may cast provisional ballots. **13-13-301, and 20-20-303, MCA and A.R.M. 44.3.2112**

What are provisional ballots and how are they handled?

Provisional ballots are ballots cast by voters whose eligibility has not been verified in accordance with law. Similarly, provisionally registered electors are individuals whose voter registration application was accepted but whose eligibility has not yet been verified. For provisional ballots cast in person, the elector must:

1. Receive written instructions on provisional voting;
2. Complete a provisional ballot outer envelope confirming eligibility;
3. Provide additional information as requested by the election judge to prove eligibility; and
4. Return their ballot to the election judge for special handling.

Election administrators receiving provisionally-voted absentee ballots must notify the electors about the process for provisional voting.

If these steps are followed and the voter proves his/her eligibility to the satisfaction of the election judge or election administrator, the voter's ballot must be counted. Electors who cast a provisional ballot have until 5pm on the day following the election to provide the information necessary to verify their eligibility. Delivery of information may be made in person, via fax or email, or by regular mail postmarked the day after the election.

If the election administrator determines that the challenged elector is not eligible to vote, the elector's vote should not be counted. All voters who cast a provisional ballot must be informed whether their vote counted. If their vote did not count, they must also be given an explanation of why the vote did not count. **13-13-114, 13-15-107, MCA**

GENERAL FUND ELECTIONS

What is a permissive levy?

A permissive levy is any tax that a government can impose without first obtaining voter approval. The General Fund BASE Mill Levy is one example of a local permissive tax levy. It is calculated by taking the BASE budget and subtracting all non-tax revenue sources that will be available to the district, including state funding, non-levy revenues such as oil and gas production revenues, and fund balance that can be “reappropriated” to fund the BASE budget next year.

Districts can also impose permissive levies for their Transportation, Bus Depreciation, Tuition, Retirement, and Adult Ed funds. Consult the School Accounting Manual for further information on these funds.

How do you determine how much to ask voters to approve?

The dollar amount to vote is any positive difference between the proposed budget and the "Highest Budget Without a Vote." For an equalized district, the dollar amount is the increase in district property tax to fund the over-BASE budget. For a disequalized district, the dollar amount is the portion of the proposed budget that will exceed the Maximum.

Unfortunately, OPI cannot determine the Highest Budget Without a Vote because the calculation relies on several assumptions that the district must make. As a result, these amounts can only be determined using OPI's “General Fund Overview and Worksheets” or “Excel Spreadsheets” located at <http://www.opi.state.mt.us/schoolfinance/budget.html>.

CANDIDATES FOR SCHOOL ELECTIONS

Who may run for office?

There are no restrictions on who may run for office. There are restrictions on who may **hold** office. Relatives of school or county employees may seek and hold a school office.

What are the qualifications for school trustee?

Any candidate must: 1) be qualified to vote in a district; and 2) be a resident of the school district (or a resident of the trustee district in a single-member district).

"Qualified to vote" means the person must: 1) be registered to vote; 2) be a citizen of the United States; 3) be at least 18 years old; and 4) be a resident of the state and county for at least 30 days. The person must also not be: 1) a convicted felon currently serving a sentence in a penal institution; or 2) determined to be of unsound mind by a court of law. **13-1-111 and 20-3-305, MCA and Article IV, Sec. 4, Montana Constitution**

How many positions are open for trustee, and what are the terms?

Elementary Districts:

The number of trustees to be elected depends on the size of the school district. For elementary districts, first-class districts (those with a population of 6,500 or more) have seven trustees; second-class districts (with a population greater than 1,000 but less than 6,500) have five trustees, and third-class districts (with a population of less than 1,000) have three trustees. A third-class district may increase the number of its trustees to five, if the board of trustees votes to do so, and publishes its actions prior to January 1 in the year of the trustee election. Ten or more qualified electors may petition the trustees to reduce the size of the board from five to three members. **20-3-341 and 20-6-201, MCA**

High School Districts:

There are seven trustee positions in a high school district except when a district is operating a county high school, four from the group of elementary trustees where the high school building is located and three from other elementary districts within the high school district where the building is not located. If the elementary and high school boundaries are the same, the elementary district trustees in the high school district also function as the high school trustees. Additional high school trustees' positions must be added when additional high school trustee districts are established by the county superintendent. **20-3-351, 20-3-352 and 20-3-354, MCA**

How can someone be placed on the ballot?

School trustees are elected at the May school elections. For candidates for trustee in elementary first-class districts, 20 voters must sign a petition of nomination. For candidates in other school districts, including high school districts, a petition requires just five voters' signatures. The petition must specify which position is being sought (three-year term, for example). The petition

must be filed with the election administrator no later than 40 days before the election. **20-3-305 and 20-3-344, MCA**

The county election administrator must review all the signatures on the nomination petition to ensure that the signatures are those of qualified electors. It is also advisable to check all or a random sample of the signatures against the voters' signatures on the voter registration cards. The signature on the petition sheet must be **substantially the same**, but not identical, to the signature on the voter registration card. If a voter signs with a first and last name, but is registered with a first and last name and middle initial, the signature can still be valid. **13-27-103, MCA**

Candidates may be encouraged to obtain more than the minimum number of signatures required, in case any of the voters signing the petition are disqualified. Signatures may be added to the petition until the filing deadline, but not after.

May trustees run as write-in candidates? In what cases do write-in votes count?

Anyone may run as a write-in candidate, and voters may write-in whomever they please. However, there are some circumstances in which votes *are not counted* for a write-in candidate.

Write-in candidates must file a "Declaration of Intent as a Write-in Candidate" to ensure that their votes will be counted. Votes are *always* counted for candidates who filed in time to appear on the ballot OR for write-in candidates who have filed a Declaration of Intent at least 26 days before the election. Effective January 1, 2004, votes for write-in candidates will not be counted if the candidate has not filed a Declaration of Intent even if there are no other candidates for the office. **13-10-211, MCA**

How may candidates be written in?

Candidates may have their names written in on the ballot or may prepare sticker labels to be used on the ballot. Write-in candidates are responsible for distributing the stickers, but the stickers (like any other candidate campaign material) may not be distributed at the polling place. Names of write-in candidates should not be posted at the polling place and should not appear "written in" on sample ballots. Election judges may respond to voter inquiries about who has filed as a write-in candidate, if asked. **13-35-211, MCA**

If a candidate is written in or if a sticker is used, the voter must still *manually mark* his or her vote for the candidate, even if the sticker has a preprinted X or other mark in front of the candidate's name. To avoid voter confusion, only the candidate's name and position sought should be printed on the sticker.

Effective October 1, 2003, when candidates' names are written in, misspelled names or parts of candidates' names may be counted only if the vote identifies a candidate by one of the designations filed in the candidate's declaration of intent. **13-15-206(5), 13-10-211 and 13-13-117, MCA**

What happens when a candidate withdraws?

Candidates may withdraw from the election by submitting a written statement of withdrawal that clearly identifies the candidate, office sought, and reason for withdrawal. The statement must be sworn before the county superintendent of schools, a notary public, or any other officer empowered to administer oaths. **2-16-116, 1-6-101, and 13-10-325, MCA**

If a candidate withdraws from the election before the last day to file as a write-in candidate (not less than 26 days before the election), the candidate's name must not be placed on the ballot. If a candidate withdraws after the last day to file as a write in candidate, his or her name must still be placed on the ballot, even if ballots have not yet been printed. **20-20-401, MCA**

If a candidate fails to withdraw in time (and therefore appears on the ballot), it is possible for that candidate to receive the most votes and therefore be elected. The candidate may change his or her mind and decide to accept the position by filing the required oath of office. If the candidate does not wish to hold the position to which he or she was elected, the candidate should not file an oath of office. In that case, the remaining trustees should declare the position vacant and fill it by appointment. **20-3-307 and 20-3-309 MCA**

May a district cancel an election after it has been posted?

After an election is posted, the district may cancel it only:

- 1) In case of a governor declared emergency. In this event, the trustees must reschedule the election as soon as convenient after the emergency concludes. **20-20-108, MCA**
- 2) If the number of candidates who either filed petitions or filed declarations of intent as write-in candidates is equal to the number of candidate positions. In this event, trustees may cancel the election and declare the candidates elected by acclamation.

To declare an election by acclamation, trustees and the election administrator must give notice that the election will not be held. This notice must be given no later than 25 days before the election. Because the deadline for write-in declaration is the 26th day before the election, districts have only ONE DAY to give this notice. Therefore, districts should plan for the possibility of declaring an election by acclamation. Trustees can either schedule a meeting for the evening of the 26th day before the election to pass the necessary measures (Notice of Election Cancellation and Trustee Election by Acclamation, both included in this manual), or pass them in advance, contingent on the number of candidates not exceeding the number of available positions. A district can declare a trustee election by acclamation regardless of whether they run a General Fund Election. **20-3-313 and 13-10-211(3), MCA**

- 3) If they later determine that a voted levy is not necessary. Trustees must make their final determination of the levy amount not less than 25 days before the election in order for the clerk to certify the ballot. **20-20-401, MCA**

What should be done if an election is canceled or not necessary?

If the trustees determine that an election that was scheduled is not necessary or is canceled, the trustees must notify the election administrator immediately in writing. If the election is not necessary because of the number of candidates filed, the election administrator would be the one notifying the trustees instead. **13-1-304, MCA.** Although not required by law, districts should also consider posting a public notice to correct or amend any previously posted election notices.

What candidate activities are forbidden or permitted on Election Day?

The law prohibits electioneering by anyone on Election Day within a polling place or a building where an election is taking place or within 100 feet of a polling place entrance. Further, the law indicates typical kinds of campaign devices (buttons, badges, and the like) that are not permitted at or about the polls on Election Day. Beyond the materials listed in the law, election officials at any polling place should ask for the removal of any item that, in their judgment, may tend to aid the success or defeat of any candidate or issue being voted upon at the election. **13-35-211, MCA**

Candidates, their spouses, or any of their supporters may remain in a polling place for any length of time they wish for the purpose of monitoring the progress of the election. They may not engage in any activity, however, that could be considered electioneering; nor may they interfere in any other way with the election process.

Any concerns about campaign practice or electioneering should be directed to:

Commissioner of Political Practices
PO Box 202401
Helena, MT 59620-2401
Telephone: (406) 444-2942
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WRITE-IN LAWS

According to House Bill 171 passed by the 1989 Legislature, write-in votes are counted only under certain conditions. The chart below illustrates when write-in votes may and may not be counted. [Law does not apply to precinct committee people or federal (military) ballots.]

"REGULAR" CANDIDATE	WRITE-IN CANDIDATE	
Candidate who filed by the deadline and appears on the ballot.	Write-in candidate who filed a Declaration of Intent as a Write-in Candidate (not appearing on the ballot).	Write-in candidate who did NOT file a Declaration of Intent as a Write-in Candidate (not appearing on the ballot).
Always count all votes cast for any candidate appearing on the ballot.	Always count all votes cast for any write-in candidate who filed a Declaration of Intent as a Write-in Candidate.	Never count any votes cast for a write-in candidate who did NOT file a Declaration of Intent.

EXAMPLES:

Candidate A appears on the ballot and receives 10 votes – ALL VOTES ARE COUNTED [WINNER]	Candidate B does not appear on the ballot, did file a Declaration of Intent and receives 8 write-in votes – ALL VOTES ARE COUNTED	Candidate C does not appear on the ballot, did NOT file a Declaration of Intent and receives 20 write-in votes – NO VOTES ARE COUNTED
Candidate A appears on the ballot and receives 10 votes – ALL VOTES ARE COUNTED	Candidate B does not appear on the ballot, did file a Declaration of Intent and receives 110 write-in votes – ALL VOTES ARE COUNTED [WINNER]	No one else receives any write-in votes – NO VOTES ARE COUNTED
Candidate A appears on the ballot and receives 2 votes – ALL VOTES ARE COUNTED [WINNER]	NO CANDIDATE filed a Declaration of Intent – NO VOTES ARE COUNTED	Candidate C does not appear on the ballot, has NOT filed a Declaration of Intent and receives 25 write-in votes – NO VOTES ARE COUNTED
NO CANDIDATE appears on the ballot – NO VOTES ARE COUNTED	Candidate B does not appear on the ballot, did file a Declaration of Intent and receives 110 write-in votes – All VOTES ARE COUNTED [WINNER]	Candidate C does not appear on the ballot, did NOT file a Declaration of Intent and receives 225 write-in votes – NO VOTES ARE COUNTED
NO CANDIDATE appears on the ballot – NO VOTES ARE COUNTED	NO CANDIDATE filed a Declaration of Intent – NO VOTES ARE COUNTED	NO VOTES ARE COUNTED

ELECTION PROCEDURES

What is required to certify a ballot?

“Certifying the ballot” means the ballot must be in its final form and be delivered to the election administrator, if that is a person other than the clerk. Changes to the ballot are not permitted after the ballot has been certified at least 25 days before the election. No forms are required to verify the certification.

The election administrator prepares the form of the ballot, complete with all proper candidates' names, official wording of ballot propositions, and levy amounts. The certified ballot is the document used by the printer to prepare the ballots. Components of ballot certification are:

Candidates

Candidates' names must be listed alphabetically by surname on the ballot. Name rotation is not required for school elections. Names must be printed *exactly* as on the candidates' filing petitions. If more than one office is being filled, the office with the longest term should be on the top of the ballot, followed by the next longest term and so on. **20-3-306 & 20-20-401, MCA**

All candidates (including write-in candidates) for trustee positions in first-class districts located in counties with populations of 15,000 or more OR in county high school districts with student enrollments of 2,000 or more must report their campaign finance activities to the Montana Commissioner of Political Practices (MCPP) before their names can appear on the ballot. Contact your county superintendent to determine if these regulations apply to your district. Current candidate forms are available at <http://www.state.mt.us/cpp/pdf/5cfp/formc-1-a.pdf>. Districts to which these regulations apply should receive notice and a packet of information from the MCPP by the end of January. If an affected district does NOT receive this information, the election administrator should contact the MCPP at 406-444-2942. **13-37-206, MCA**

Ballot propositions

Propositions must be printed on the ballot with the *exact* wording of the proposition (usually provided by statute). If ballot language is not provided by law or by board resolution, the wording should be developed using language from a similar issue whose language is provided. **20-9-353 and 20-9-426, MCA**

Montana law requires that disequalized districts use specific language for their General Fund budget election ballots. Under no circumstances are language changes allowed. Equalized districts, on the other hand, may alter the ballot language as long as the ballot includes the certain components specified by law. The “Forms for Election Procedures” section of this handbook contains both the required disequalized district ballot and a sample ballot for equalized districts. **20-9-353 and 15-10-425, MCA**

Bond Issues

Bond issues must be printed on separate ballots from other propositions. Additionally, whenever bonds for more than one purpose are to be voted at the same election, separate ballots must be prepared for each purpose. Bond election ballots must be substantially the same as that provided in law. **20-9-426, MCA**

How are the ballots printed?

The election administrator is responsible for providing a sufficient number of ballots for the number of registered voters. Each ballot must be sequentially numbered, by precinct, on a perforated stub. Mail ballots are NOT required to have stubs. Before giving a ballot to a voter, the ballot must be marked with the county name, precinct number, and the words "Official Ballot." **13-13-116 and 13-19-106, MCA.**

What polling places should be used?

If a school election is not being held in conjunction with any other election, the board of trustees may set up polling places in any appropriate place in the district, using the same polling places used for the general election whenever possible. There should be one polling place per district, unless the trustees establish additional places. If more than one polling place is established in the district, the trustees must establish the boundary lines of each place, using the county precinct lines. If the polling places are different from the places used in the previous school election, that fact must be included in the trustees' resolution calling for the election. **20-20-203, MCA**

How are election judges obtained?

The school trustees, or if so requested, the county election administrator, must appoint election judges (three judges per polling place) when they issue the call for the election. Often the county election administrator will provide the names of experienced election judges who may be hired. The judges at each polling place choose a clerk of election judges from among themselves. If any election judge is absent on Election Day, the electors present at the polling place may choose a replacement judge. **20-20-203 and 20-20-402, MCA.**

What are the qualifications of and restrictions on election judges?

Election judges must be registered voters in the county and precinct in which they serve. No election judge may be a candidate or candidate's spouse, ascendant or descendant, brother or sister of a candidate or candidate's spouse, or the spouse of any of these in an election precinct where the candidate's name appears on the ballot (see chart in this Handbook). **13-4-107, MCA**

It is not illegal for a judge to be a campaign treasurer or manager or a more distant relative of any candidate. However, it is preferable not to use election judges whose role or judgment might be questioned. If such a person must be used as an election judge, it is wise to ensure that the judge always has witnesses present when handling ballots or other election materials. A sitting trustee may not serve as an election judge, since trustees hire the election judges. **20-9-204, MCA**

Are election judges paid?

Yes. Judges must be paid *at least* minimum wage for the time spent working during an election and at the instruction session. The chief election judge may be paid at a higher rate than the other judges and may be reimbursed for the expenses of transporting election materials. Districts should set up judges as regular employees and deduct the applicable amounts from their paychecks. **13-4-106, MCA**

Can Election Judges be excluded from unemployment insurance and TB tests?

Yes. Election judges are exempt from unemployment insurance coverage if the payment they received is less than \$1,000 in a calendar year. Judges do not need to take the TB tests generally required of district employees. **13-4-106, MCA**

When should the polls be opened and closed?

The trustees will set the opening of the polls in their resolution. The polls may open no later than noon, although the polls may be opened as early as 7:00 a.m. The polls must close at 8:00 p.m. or earlier if *all* registered voters have voted. **20-20-106, MCA**

Who counts the ballots?

The election judges tally the ballots, unless a voting machine or device is used. Election judges should begin the count as soon as the polls close. The count must be open to public observation. Ballots may be counted earlier if a sequestered counting board performs the counting. Upon completion of the tally, election judges should complete election return forms (*See TALLY SHEET – TRUSTEE ELECTION, TALLY SHEET – PROPOSITION, TALLY SHEET – PROPOSITION ELECTION JUDGES’ RETURN SHEET*) giving the election results. One sheet should be posted at the "return" place, and the other sheet should be returned to the election administrator. The voted ballots should be sealed in an envelope marked "ballots voted." Unused ballots should be sealed in a separate envelope. The precinct register, poll book, tally sheets and list of challenged voters, if any, should be sealed in another envelope and presented, unopened, to the school trustees to be canvassed. Each election judge should sign his or her name across the seal of all envelopes. **13-15-112, 13-15-101 and 13-15-207, MCA**

What is canvassing the vote?

Canvassing means to review the tally sheets, poll books, or registers for any potential error, and to certify the results. Canvassing does not include opening sealed envelopes of tallied ballots and recounting them. The school trustees must canvass the vote at the first regular or special meeting after the election. Canvassed results must be published once in a newspaper that will give notice to the largest number of people of the district. **20-20-415, 20-20-416, 13-15-201 through 13-15-205, and 13-15-401 through 13-15-403, MCA**

How is the winner determined and what is required of them?

To pass, a proposition must be approved by a majority of the votes cast in the election. When a proposition passes, the trustees certify the additional amount of financing authorized by the special election on the budget form and submit the form to the county superintendent. The county commissioners will levy the necessary number of mills on the taxable value of property within the district to raise the money as authorized by the voters. **20-9-141 and 20-9-353, MCA**

For trustee elections, the individual receiving the highest number of votes for the office is elected to that office. After the canvass is completed and the election is certified, the trustees issue certificates of election (see example in this manual) designating the terms of the election. Trustees must send a copy of the certificate to each candidate and the county superintendent. Certificates specifying the outcome of propositions should be issued within 15 days to the body that called the election.

New trustees must file the accompanying Oath of Office with the county superintendent within 15 days of receiving the Certificate. The Oath must be sworn before the county superintendent of schools. When the election was called by a trustee resolution, the election results must be published immediately in a newspaper that will give notice to the greatest number of people in the district. **1-6-101, 2-16-116, 13-1-103, 20-3-205(23), 20-3-307, and 20-20-416, MCA**

How long must the clerk or county election administrator retain election materials?

The voted ballots, detached stubs, unvoted ballots and unused ballots must be kept in their **unopened** packages for 12 months, or until any court case involving that election has been resolved, whichever period is longer. After the end of the retention period, those materials may be destroyed, still in their unopened packages.

The Secretary of State's retention schedule for other election materials is:

- ✓ Pollbooks, registers, tally sheets – 12 months
- ✓ Election results ("Abstracts") – Forever (as part of the board's minutes, or in a separate book) **13-1-303, MCA**

What happens in the case of a tie in a school board election?

After a recount, if the result of the election is still a tie, the board of trustees will appoint one of the candidates to fill the vacancy until the next regular school election is held (one year). However, Montana law does not specify how the appointment should be made or which board members should participate in the appointment. For this reason, it is recommended that tied trustee elections--especially ones involving an incumbent candidate--be resolved randomly, such as by drawing lots. Legal precedence for this method exists (13-16-501, MCA) and it should minimize political pressures, and accordingly, chances for a lawsuit. **13-16-507, MCA**

When is a recount appropriate?

If a candidate or ballot question is defeated by a margin not exceeding 1/4 of 1 percent of the total votes cast for all the candidates or all the votes cast for or against the ballot question, or 10 votes, whichever is greater, a recount is appropriate. Also, if the board of canvassers finds an error in the election's returns during a canvass, they may immediately file a petition with the election administrator requesting a recount. Since the recount must be open to the public and the candidates must be given the opportunity to be present, a recount should not be held the same day as the canvass. Note that although the recount must be public, the district can limit the number of individuals present to prevent interference. **13-16-201, MCA**

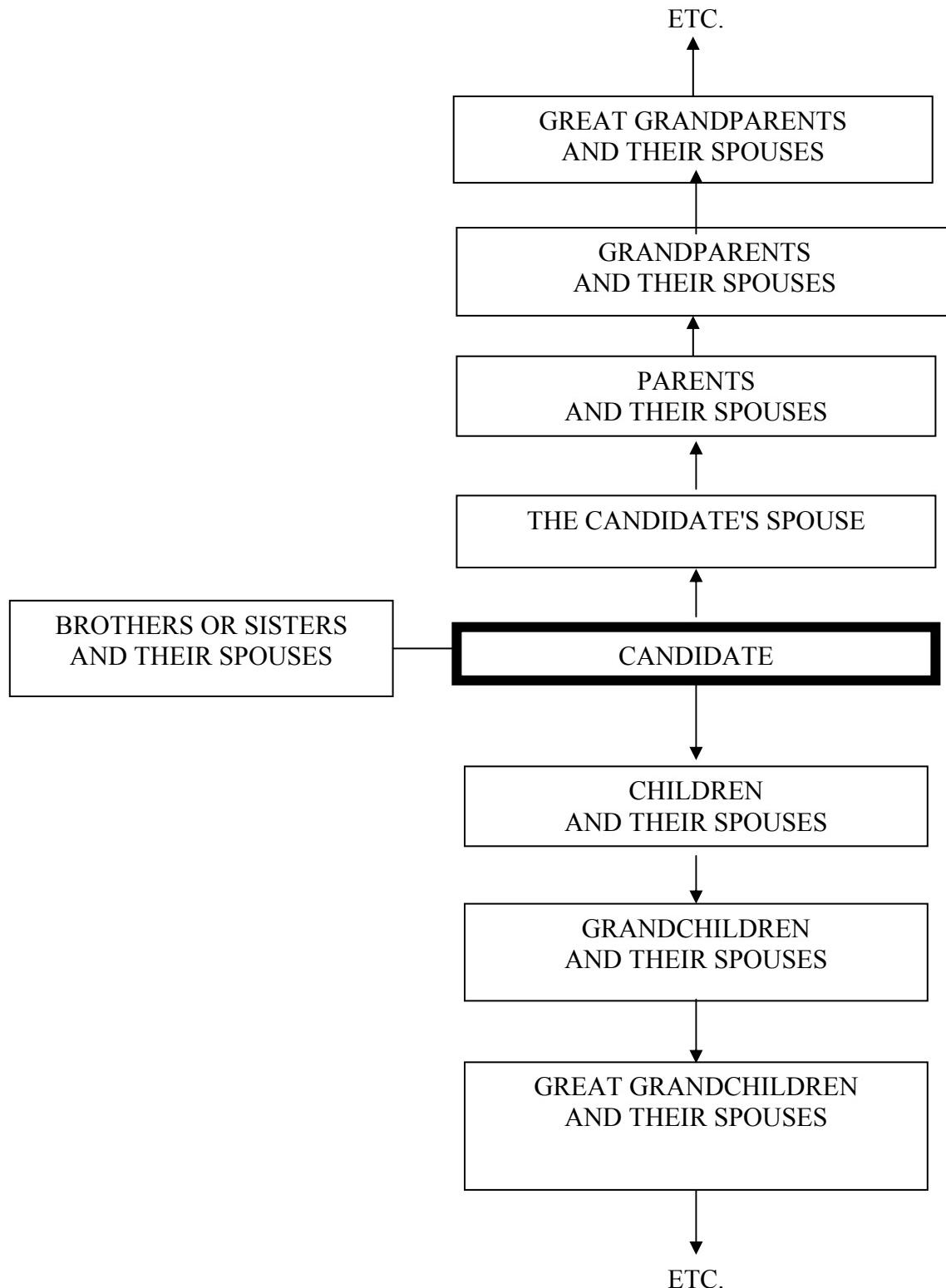
How is a recount performed?

The board chair must appoint a 3-member “recount board” from the trustees. If one of the candidates for whom the recount is being conducted is an incumbent, that individual may NOT serve on the recount board. The election administrator then provides the unopened package of ballots to the recount boards. Upon receipt, the recount board must open, count, and reseal the ballots. They should then compare the recounted totals to the original count totals and determine a winner. Although the recount must be public, the district may limit the number of individuals present to prevent interference. **13-16-101, 13-16-307, 13-16-412, 13-16-415, and 13-16-417 MCA**

What happens if someone wants to challenge the results of the election?

Districts should NOT give legal advice to anyone wishing to challenge election results. Instead, you should refer these individuals to your county attorney. If you receive notice or believe that your election will be challenged, you should immediately contact your school's attorney for legal guidance.

RELATIVES WHO MAY NOT SERVE AS ELECTION JUDGES



SPECIAL ELECTIONS

What is a "special election?"

A special election is any election other than a statutorily scheduled primary or general election. It may be held for any purpose, and may be held on the same day as a regular election. For school election purposes, the school board of trustees must call a special election if one is desired.

What are some reasons for holding a special school election?

General Fund Financing

Although General Fund financing elections meet the definition of a “special election,” General Fund levy elections may be held ONLY on the regular school Election Day, the first Tuesday after the first Monday in May. For complete information on General Fund budgeting, including the difference between permissive and voted levies, please refer to OPI’s website at <http://www.opi.state.mt.us/schoolfinance/budget.html>. **20-20-105, MCA**

Transportation Fund Financing

Levies needed to fund the district’s Transportation Fund budget are permissive and therefore never require a vote. **20-10-144, MCA**

Building Reserve

A successful building reserve election authorizes the school district to levy and accumulate money for a building project or capital improvements. The proposition specifies a certain sum of money to be levied in equal annual amounts over a specific number of years, up to 20 years.

A building reserve levy can be used to finance future construction, equipping, or enlarging of school buildings. It may also be used to purchase land needed for school purposes or for funding school transition costs as provided in **20-9-502(5), MCA**. Its use is dependent upon what has been expressed in the trustee resolution calling the election and what is stated in the ballot proposition.

The proposition must comply with **15-10-425, MCA**.

The total amount of building reserve, less transition costs as provided for in **20-9-502(5), MCA**, when added to the outstanding indebtedness of the school district, including all indebtedness represented by outstanding bonds of previous issues and registered warrants, may not exceed 45 percent of the taxable value of the property subject to taxation. **20-9-406, MCA**

To pass, the proposition must be approved by a majority of votes cast in the election. **20-9-502 and 20-9-503, MCA**

Technology Acquisition and Depreciation

In addition to the state funds received pursuant to **20-9-533(2), MCA**, the trustees of a school district may submit a proposition to the qualified electors of the district to approve an additional

levy to fund the depreciation of technological equipment. The election must be called and conducted in the manner prescribed by Title 20 for school elections and in the manner prescribed by **15-10-425, MCA**, **20-9-533, MCA**

District Consolidation/Annexation

Consolidation occurs when two or more districts join to form a new district. Annexation occurs when a smaller district attaches to the boundaries of and becomes part of an existing district.

The boards of trustees of each district involved must jointly decide to consolidate or annex a district (with or without the bonded indebtedness of each district involved), then petition the county superintendent through a resolution to order an election. Within 10 days of receipt of the petition, the county superintendent shall order the trustees to call an election. **20-6-203 and 20-6-315, MCA**

-- If *Consolidation* is approved by the voters, the county superintendent will order consolidation within 10 days of receipt of the election certificate issued by the district trustees (except for those time limitations detailed under **20-6-202** and **20-6-314, MCA**). The county superintendent will appoint the trustees for the consolidated district who will serve until the next regular school election. **20-6-203 and 20-6-315, MCA**

-- If *Annexation* is approved, the county superintendent will order annexation to occur within 10 days of receipt of the election certificate issued by the district trustees. If the annexation was passed with the assumption of bonded indebtedness, the annexation order will include the total taxable valuation of the annexed territory that the annexing district will assume. **20-6-205, 20-6-318 and 20-6-319, MCA**

Creation of a Joint District

A proposition is passed by a majority of voters in each of two or more districts whose land is contiguous and located in more than one county. The county superintendents of the counties involved will jointly perform the duties required for consolidation and annexation of districts. A hearing process is used when territory is transferred from one district to another or when a new district is created. **20-6-213 (5), 20-6-309, and 20-6-320, MCA**

Dissolution of a Joint District

A petition must first be signed by a majority of the electors residing in the territory of the joint district and be delivered to the county superintendent to place the proposition on a ballot. The election passes if either: 1) a majority of joint district electors vote in favor of the dissolution during an election for that purpose; or 2) two-thirds of the electors voting at one of the elections held in a county's portion of the joint district vote in favor of the dissolution and the county superintendents involved agree that the dissolution will not place an undue hardship on any other county's portion. **20-6-211, MCA**

County High School Unification

A county high school may be unified with an elementary district where the county high school building is located to establish a unified school system under a unified school board. **20-6-312, MCA**

Following the voters' approval of the unified district, the county superintendent creates the boundaries of the unified high school district. The part of the high school district that is not located within the unified elementary district then can come forward and request representation on the unified board for high school matters. If no request for representation is made, then the board operates with only trustees elected from the area where the elementary district was located. This continues until the county superintendent orders otherwise. **20-3-352, 20-3-353, MCA**

Opening a Junior High School when the High School District Operates a County High School

When joint boards of trustees, with representatives from the elementary district and the high school district operating a county high school, resolve to open a junior high school they offer the proposition to the voters of the district. If the proposition is approved by a majority of the voters, the trustees apply to the Superintendent of Public Instruction for approval to open a junior high school. **20-6-505, MCA**

Joint Interstate School Agreements

Interstate school agreements between a district and a contiguous (edging) state for any purpose approved by the trustees of the district and the Superintendent of Public Instruction may be entered into after the contract has been approved by the electors of that district. The wording of the ballot must be in substantially the same form shown in the law. **20-9-705, MCA**

Fund Transfers from Bus Depreciation Fund to any Other Fund Maintained by the District

If the trustees of a district have sold or otherwise disposed of all buses owned by the district, electors may be asked to approve a transfer of funds from the bus depreciation fund to another fund in the district. If a majority of people voting at the election approve the transfer of funds, the trustees will immediately direct the county treasurer to make the transfer. **20-10-147, MCA**

School Flexibility Fund

In addition to state flexibility payments under **20-0-542, MCA**, trustees may ask voters to approve a levy for purposes listed in **20-9-543, MCA**. This is an annual levy. **20-9-544, MCA**

Is a school election necessary if a school district wants to acquire real property?

Voter approval is required for school district acquisition of real property unless:

- ✓ the electors have already authorized a bond issue or approved an additional levy for building, purchasing or acquiring a site or building, or
- ✓ the cost can be absorbed without exceeding the maximum general fund budget, or
- ✓ the district has available funds and the site has been approved by the voters. **20-6-603, MCA**

No election is required if the site is contiguous to an existing site currently in use for school purposes. A site approval election is also not necessary when the site was specifically identified during an election that approved an additional levy or issued bonds for its purchase.

MAIL BALLOT ELECTIONS

When may a mail ballot election be held?

A mail ballot election may be the best option when seeking to improve turnout or reduce election costs. Use of the mail ballot procedures is entirely optional and within the discretion of the affected jurisdiction and election administrator. **13-19-101, 13-19-104, 13-19-106, 13-19-206, and 13-19-311, MCA**

When may a mail election NOT be conducted?

A school district may conduct an election by mail ballot except as prohibited by law. An election by mail ballot is not an option when:

- the election is a regularly scheduled federal, state, or county election;
- the election is a special federal or state election, unless authorized by the legislature; or
- the election is a regularly scheduled or special election when another election in the political subdivision is taking place at the polls on the same day. **13-19-104, MCA**

In general, this means:

- The trustee's election held on the regular school Election Day may be held by mail ballot unless another political subdivision is holding an election at the polls in conjunction with the trustee's election. The trustee's election cannot use a mail ballot if any special school election is held along with the trustee's election, or if any non-school election is held with the trustee's election and is held at the polls.
- A special school election held on the regular school Election Day may be done using a mail ballot if there are no trustee's elections or other special elections in the district on that day.
- A special school election held on a day other than the regular school Election Day may be held by mail ballot if it is the only election being held that day. If another issue is held in conjunction with that special election, neither election can be held using a mail ballot election.

How is a mail ballot election started?

The election administrator or the school trustees may initiate a mail ballot election. The election administrator is the only person who actually inaugurates a mail ballot election. The trustees may ask the election administrator to conduct an election by passing a resolution, at least 70 days before the election, asking for such an election. The election administrator may choose to hold or not hold an election by mail. Once the election administrator decides to conduct a mail ballot election, a written plan and timetable (see **Prescribed Written Plan for Mail Ballot Elections**) must be completed and submitted to the Secretary of State at least 60 days prior to the election for approval. **13-19-201 through 13-19-205, MCA**

Is a mail ballot election conducted any differently than a regular election?

Mail ballot elections are conducted under regular election law. Obviously, there are a number of steps needed for a regular election (using polls and election judges, for example) that are not needed for a mail ballot election. Similarly, there are some additional provisions for conducting mail ballot elections that are not needed for regular elections. For instruction, an election administrator should thoroughly read Chapter 19 of Title 13, and the Administrative Rules of Montana (ARM) dealing with mail ballot elections (ARM 44.9.101 through 44.9.405). Additional assistance is available from the Secretary of State's Elections Bureau.

How does the election administrator prepare for a mail election?

Election administrators begin the process for a mail election by preparing a written plan, including a timetable, for the conduct of the election and submitting it to the Secretary of State at least 60 days prior to the date set for the election. The election administrator may amend the plan any time prior to the 35th day before Election Day by notifying the Secretary of State in writing of any changes. Within five days of receiving the plan, and as soon as possible after receiving any amendments, the Secretary of State shall approve, disapprove or recommend changes to the plan or amendments.

When the written plan has been approved, the election administrator shall proceed to conduct the election according to the approved plan. **13-19-205, MCA**

What guidelines are used to prepare a mail ballot?

Mail ballot elections must be conducted as follows:

Official ballots must be prepared and all other initial procedures followed as otherwise provided by law and administrative rule, except that mail ballots are not required to have stubs. An official ballot must be mailed to every qualified elector of the political subdivision conducting the election.

The elector shall mark the ballot at home and place it in a secrecy envelope. The elector shall then place the secrecy envelope containing his/her ballot in a return/ verification envelope and shall return it by mail or deliver it to a place of deposit designated by the election administrator so that the ballot is received prior to 8:00 p.m. on Election Day.

Once returned, election officials shall first qualify the submitted ballot by examining the return/verification envelope to determine whether it was submitted by a qualified elector who has not previously voted. If the ballot so qualifies and is otherwise valid, officials shall then open the return/verification envelope and remove the secrecy envelope, which is then voted by depositing it unopened in an official ballot box.

After the close of polls on Election Day, voted ballots must be counted and canvassed as otherwise provided by law. Ballots may be counted before the polls close, if done by a sequestered counting board. **13-19-106, MCA.**

What materials are needed to conduct a mail election?

A single packet of materials must be mailed to every qualified elector of the political subdivision conducting the election. Each packet will contain:

- an official ballot;
- a secrecy envelope;
- a return/verification envelope;
- a form prescribed by the Secretary of State for the elector to verify the accuracy of the elector's address or notify the election administrator of the elector's correct address; and
- complete written instructions for voting and returning ballots. **13-19-206, MCA**

The election administrator must also ensure that each packet is:

- addressed to a single individual elector at the most current address available from the official registration records;
- deposited in the United States mail with sufficient prepaid postage for it to be delivered to the elector's address. **13-19-206, MCA**

NOTE: Mail elections are useful for bond elections when the election is not held in conjunction with any other election, since it is important to have a certain percentage of the registered electors participate in a bond election. **A note of caution:** Problems have been encountered in mail elections if the registered voters' list has not been updated by a recent election. It is possible for mail ballots to be sent to incorrect addresses and even to previously registered voters who did not vote in the last general election, and therefore are not considered qualified.

Filed

Date/Time

x

To the Election Administrator of School District # _____, _____ County, State
of Montana:

I, the undersigned citizen of the United States of America and resident of the State of Montana, possessing the qualifications prescribed by the Constitution and laws of the State of Montana for the office of School District Trustee, declare, pursuant to **13-10-501, MCA**, that I am a nonpartisan candidate for School District Trustee for a term of _____ years of School District # _____ in the Annual School Trustee Election to be held in said district on _____ day of _____, 20_____.

1. My name, as it is to appear on the official ballot is:

2. My mailing address is:

Street and Number or Post Office Box

City, State and ZIP Code _____

3. My telephone numbers are: _____

DATED this _____ day of _____, 20____

(Signature of Candidate, as it appears above)

(The Candidate must sign and acknowledge this Oath of Candidacy before a Notary Public, if mailed, or before the Election Administrator or Deputy, if delivered in person.)

STATE OF MONTANA)
) ss.
County of)

Signed and sworn to (or affirmed) before me this _____ day of _____, 20____,
by _____ (name of candidate). (SEAL)

(Signature of Notary Public of the State of Montana)

(Title and Rank)

Residing at:

My Commission Expires:

(SEAL)

Signature of Election Administrator

13-14-113, MCA (Candidate: Submit to Election Administrator with Petition of Nomination at least 40 days before the regular school election day.)

AFFIDAVIT OF SIGNATURE GATHERER

13-10-503 AND 13-27-302, MCA

AFFIDAVIT OF SIGNATURE GATHERER

I, _____, (name of person who is the signature gatherer), swear that I gathered or assisted in gathering the signatures on the petition to which this affidavit is attached, that I believe the signatures on the petition are genuine, are the signatures of the persons whose names they purport to be, and are the signatures of Montana electors who are registered at the address or have the telephone number following the person's signature, and that the signers knew the contents of the petition before signing the petition.

Date on which the first signature was gathered

Signature of petition signature gatherer

Address of petition signature gatherer

City, state and zip code

STATE OF MONTANA)
County of _____)

Subscribed and sworn to before me this _____ day of _____, 20 ____.

Signature of person authorized to take oaths

Typed, stamped, or printed name of person authorized to take oaths

Official Title (e.g., Notary Public for the State of Montana, Clerk of District Court, etc.)

Residing at _____
(city or town of residence)

SEAL

My Commission Expires _____, 20 ____

PETITION FOR NOMINATION OF SCHOOL BOARD TRUSTEE
(must be accompanied by Oath of Candidacy)

To the Election Administrator of School District No. _____, _____ County,
State of Montana:

We, the undersigned qualified electors of School District No. _____, _____
County, State of Montana, hereby nominate, in accordance with **20-3-305, MCA**:

Complete printed name of candidate _____

Street and Number or Post Office Box _____

City, State and ZIP Code _____

for the office of School Board Trustee for School District No. _____ for a term of _____ years and respectively request that the candidate's name, as set forth above, be placed on the ballot in the Annual School District Election to be held _____ day of _____, 20_____.

Signature

Print name

Street Address / PO Box

This petition for nomination must be filed with the Election Administrator of the District not later than 40 days prior to the election. Signatures of five (5) qualified voters are needed for each nomination, except for a trustee in a first class district, for which 20 signatures are needed. It is advisable to obtain several additional signatures in case some of the signatories are found to be nonqualified as voters. (20-3-305, MCA)

Pursuant to 13-37-206, MCA, all candidates (including write-in candidates) for trustee positions in first-class districts located in counties with populations of 15,000 or more OR in county high school districts having student enrollments of 2,000 or more must report their campaign finance activities to the Montana Commissioner of Political Practices before their names can appear on the ballot. Current forms are available at <http://www.state.mt.us/cpp/pdf/5cfp/formc-1-a.pdf>.

CERTIFICATION OF PETITION
(To be completed by the County Election Administrator)

I, _____, Election Administrator of _____ County, State of Montana, do hereby affirm and certify as follows:

1. That on _____ day of _____, 20_____, the attached completed petition was filed with me;
2. That within 15 days thereafter I carefully examined the petition and the county records showing the qualifications of the petitioners;
3. That the total number of persons who are registered electors in School District No. _____, is _____;
4. That the _____ persons whose names are subscribed to the petition and by whose signatures I have marked are possessed of all the qualifications required of signers to such petition; and
5. For school district bond elections only: That such qualified signers constitute more (or less) than 20 percent of the registered electors of the county.

DATED this _____ day of _____, 20_____.

Election Administrator

_____ County

_____, Montana

DECLARATION OF INTENT FOR WRITE-IN CANDIDATES
For School District Trustee
Page 1 of 2

To the School District Clerk/Election Administrator of School District No. _____, _____ County,
State of Montana:

I, the undersigned citizen of the United States of America and resident of the State of Montana and of the above named school district, possessing the qualifications prescribed by the Constitution and laws of the State of Montana for the office of School District Trustee, declare pursuant to **13-10-211, MCA**, that I am a write-in candidate for the office of School District Trustee for a ____-year term at the Annual Regular School District Election to be held on the ____ day of _____, 20____, and that I further certify that this declaration serves as my declaration of acceptance of the election pursuant to **13-10-204** and **13-15-111, MCA**.

1. Name of Candidate (Print): _____

2. Mailing address: _____

3. Telephone No.: _____

DATED this _____ day of _____, 20_____
(Signature of Candidate)

Candidate must sign and acknowledge his/her Declaration of Intent before a notary public (if mailed) or before the School District Clerk/Election Administrator (if delivered in person).

On this ____ day of _____, 20_____, _____
(Name of Candidate)

having provided proper identification or being personally known to me, appeared before me and subscribed the foregoing Declaration of Intent.

STATE OF MONTANA)
) ss.
County of)

Signed and sworn to (or affirmed) before me this _____ day of _____, 20____,
by _____ (name of candidate). (SEAL)

(Signature of Notary Public of the State of Montana)

(Title and Rank)

Residing at:

My Commission Expires:

Signature of Election Administrator

This Declaration of Intent for a Trustee position must be submitted to the school district clerk/election administrator by 5:00 pm the 26th day before the election, or no later than 5:00 pm the day before the election if, after the deadline prescribed in **13-10-211(1)**, MCA, a candidate for the office: a) dies; b) withdraws from the election; or c) is charged with a felony offense. **13-10-211(2 & 3)**, MCA

DECLARATION OF INTENT FOR WRITE-IN CANDIDATES
For School District Trustee
Page 2 of 2

Second page to the declaration of intent for a write-in candidate form of:

(Print your name EXACTLY as you printed it on line 1 of the first page.)

Pursuant to 13-37-206, MCA, all candidates (including write-in candidates) for trustee positions in first-class districts located in counties with populations of 15,000 or more OR in county high school districts having student enrollments of 2,000 or more must report their campaign finance activities to the Montana Commissioner of Political Practices before their names can appear on the ballot. Current forms are available at <http://www.state.mt.us/cpp/pdf/5cfp/formc-1-a.pdf>.

Pursuant to 13-10-302 and 13-15-202, MCA, a write-in vote may only be counted if the write-in vote identifies a declared candidate by any of the designations filed in the candidate's declaration of intent. The declaration of intent must include:

1. first and last name;
2. initials, if any, used instead of a first name, or first and middle name, and last name;
3. nickname, if any, used instead of a first name, and last name; and
4. a derivative or diminutive name, if any, used instead of a first name, and last name.

Therefore, as part of my declaration of intent to be a write-in candidate, I am listing the following variations of my name pursuant to 13-10-211 (1), MCA:

If additional, list below:

Signature of Candidate

TRUSTEE RESOLUTION CALLING FOR AN ELECTION

BE IT RESOLVED, the Board of Trustees for School District No. _____, _____ County, State of Montana, will hold the Annual Regular School Election on Tuesday, the _____ day of May, 20____, which date is not less than forty (40) days after the passage of this resolution.

The polls will be open from 12:00 noon until 8:00 p.m.

The purpose of the election is to elect _____ (_____) trustees for a three-year term, or as otherwise designated. Approval of additional levies to operate and maintain the _____ school(s) for the _____ - _____ school year will also be requested. If it is later determined that any portion of the election is not required, the Board of Trustees authorizes _____, election administrator, to cancel that portion of the election in accordance with 13-1-304 and 20-3-313, MCA.

Three electors of this district who are qualified to vote at such election are hereby appointed to act as judges at the election at each voting place as follows:

<u>Name</u>	<u>Address</u>	<u>Voting Place</u>

BE IT FURTHER RESOLVED, that the clerk of this school district is hereby directed to notify the above named election judges of their appointment and to notify the county election administrator of the date of holding said election, and request him/her to close registration and to prepare and furnish election materials as required by law. If any of these judges should not be able to serve, the election administrator will choose a replacement from certified judges.

No further proceedings were conducted relating to the election.

Print Name of Board Chair

Signature of Board Chair

Print Name of District Clerk

Signature of District Clerk

DATED this _____ day of _____, 20____.

20-20-201, MCA

CERTIFICATION OF NOTIFICATION OF ELECTION ADMINISTRATOR
(optional)

I, _____ District Clerk of School District No. _____, do hereby certify that on _____ day of _____, 20____, I notified _____, the Election Administrator of said County, of the calling and date of the election by furnishing him/her with a copy of Resolution No._____ which called the election and set forth the pertinent details thereof.

Clerk, School District No. _____

County _____

Address _____

20-20-201, MCA

NOTICE OF ANNUAL SCHOOL ELECTION

Notice is hereby given by the undersigned Clerk of School District No. _____,
_____ County, State of Montana that the Annual School Election will be held on
Tuesday, May _____, 20____, at the following polling place(s):

Electors will consider the following issues at the election:

- _____ Trustee(s) to be elected for a (____) year term,
- _____ Trustee(s) to be elected for a (____) year term,
- _____ Trustee(s) to be elected for a (____) year term.
- Mill levy proposition(s) to finance the school's _____ Fund(s)

The polls will be open between the hours of _____ and 8:00 p.m. on the day of the election.

A qualified registered elector who will be unable to go to the polls on the day of election may request an "Application for Absentee Voter's Ballot" from the school district clerk/election administrator's office located at:

Address of School: _____

DATED _____ day of _____, 20_____

Print Name of District Clerk

Signature of District Clerk

20-20-204, MCA

NOTICE OF BOND ELECTION

Bond election notices must be in substantially the following form:

NOTICE OF SCHOOL DISTRICT BOND ELECTION

Notice is hereby given by the trustees of School District No. _____ of _____ County, state of Montana, that pursuant to a certain resolution adopted at a meeting of the board of trustees of the school district held on the _____ day of _____, ___, an election of the registered electors of School District No. _____ of _____ County, state of Montana, will be held on the _____ day of _____, ___, at _____ for the purpose of voting upon the question of whether or not the trustees may issue and sell (state here: general obligation or impact aid revenue) bonds of the school district in the amount of _____ dollars (\$ _____), bearing interest at a rate not more than _____ percent (____%) a year, payable semiannually, for the purpose of _____ (here state purpose). The bonds to be issued will be payable in installments over a period not exceeding _____ (state number) years.

The polls will be open from _____ o'clock m. and until _____ o'clock p.m. of the election day.

Dated and posted this _____ day of _____, _____.

Presiding officer, School District No. _____
of _____ County
Address _____

If the proposed bonds are for more than one purpose, each purpose must be separately stated in the notice, together with the proposed amount of bonds for each purpose. The notice must specify whether the bonds will be general obligation bonds or impact aid revenue bonds.

Districts should consult their bond attorney when preparing notices for bond elections.

20-9-427, MCA

NOTICE OF ELECTION CANCELLATION

WHEREAS, the number of candidates for the position(s) on the _____ School Board of Trustees, District No. _____ is equal to the number of positions to be elected.

THEREFORE, the _____ School Trustees Election is hereby cancelled.

DATED this _____ day of _____, 20_____.

Print Chairperson's Name

Signature of Chairperson

Print District Clerk's Name

Signature of District Clerk

NOTE: Only the clerk's signature is required if the election is cancelled due to the number of candidates.

TRUSTEE ELECTION BY ACCLAMATION

WHEREAS, The Board of Trustees of _____ School District No. _____, _____ County, State of Montana, have received nominating petitions and write-in intent declarations equal to the number of positions to be elected, and there is no other reason for the Trustee election.

THEREFORE, the regular Trustee Election will not be held and the necessary twenty-five (25) day Notice of Cancellation has been made.

BE IT RESOLVED, that Trustee candidate _____ is hereby duly elected by acclamation for a three-year term to the Board of Trustees of _____ School District No. _____.

APPROVED this _____ day of _____, 20_____

Print Chairperson's Name

Signature of Chairperson

Print District Clerk's Name

Signature of District Clerk

AFFIDAVIT OF POSTING NOTICES OF ELECTION
(optional)

STATE OF MONTANA)
)
County of _____)

being first duly sworn on oath, deposes and says:

That he/she is the duly appointed, qualified and acting Clerk of _____ School District No. _____ County of _____, State of Montana.

That the affiant posted copies of the Notice of School District Election, identical with the copy of notice shown in this transcript, on the _____ day of _____, 20____, the same being not less than twenty (20) days, nor more than thirty (30) days prior to said election, in three public places in said school district, (in each ward) (*) to-wit:

One notice at

One notice at

One notice at

and that he/she gave notice of the date of holding the said election to the County Election Administrator as provided by law.

Clerk, School District No. _____

County

State of Montana

STATE OF MONTANA)
)
County of _____) ss.

Signed and sworn to (or affirmed) before me this _____ day of _____, 20____,
by _____ (name of clerk). (SEAL)

(Signature of Notary Public of the State of Montana)

(Title and Rank)

Residing at:

My Commission Expires:

Signature of Election Administrator

***NOTE:** In incorporated cities and towns at least one notice must be posted at a public place in each ward. In other districts notice must be posted in three public places.

III year
20-20-204, MCA

**SUGGESTED FORM FOR DISPLAY
OF INSTRUCTIONS FOR ELECTORS**
13-13-112, MCA

Following is sample language for required postings on election day:

**POST ONE CARD IN EACH VOTING BOOTH and
elsewhere in and about the Polling Place on the DAY OF
ELECTION**

INSTRUCTIONS

For the Guidance of Electors in Preparing Their Ballots.

OBSERVE THESE INSTRUCTIONS

HOW TO OBTAIN BALLOTS FOR VOTING

The electors must obtain their ballots from the election judges. Before any elector is permitted to receive a ballot or vote, the election judges shall require the elector to sign his name upon one of the precinct register books designated by the election administrator for that purpose and in a column reserved in the said precinct books for the signature of electors. If the name or address is not as listed in the precinct register, the elector must complete a transfer form or new registration form to correct the information. The election judges shall write “transfer form” or “registration form” beside the name of any elector submitting a form. No elector may sign the precinct register unless his name and address are the same as shown in the register or the proper corrections are made.

On the back near the top of the ballot must be stamped the words “official ballot,” the name of the county, the number of the precinct and any other information deemed necessary by the election administrator. Only the ballots which are so stamped shall be used.

PROVISIONAL BALLOTING: If your eligibility to vote is challenged for any reason, you have the right to vote provisionally. Ask the election judge to provide you with a provisional ballot and follow the instructions given to you.

HOW TO PREPARE BALLOTS FOR DEPOSIT IN THE BALLOT BOXES

On receipt of his ballot, the elector must immediately retire to one of the booths and prepare his ballot. He shall prepare his ballot by blackening the oval completely () before the name of the individual or individuals for whom he intends to vote. If the ballot contains a ballot issue, he shall blacken the oval () in the applicable oval indicating his vote either for or against the issue.

The elector may write the name of an individual for whom he wishes to vote in the blank space or affix a preprinted label in the blank space and may vote for that individual by blackening the oval before the name.

After preparing his ballot, the elector must insert the ballot in the secrecy sleeve provided with the stub out and hand the secrecy sleeve to the election judge.

The judge receiving the ballots shall remove the stubs in sight of the elector and deposit each ballot in the ballot box and

each stub in a box for detached stubs. The judge must place the ballots in the ballot box immediately without examining them.

No individual except an election judge may put a ballot, any paper resembling a ballot, or anything other than a ballot in a ballot box.

OVERVOTE OR ERROR: If an elector casts multiple votes for an office and no clear mark is used to indicate the correct vote, the election official shall cause this to be counted as an overvote. No votes for the office will be counted! In case of an error or overvote on your ballot you should not cross out, erase, or use correction fluid on the ballot. The elector should return said ballot to the election judge and request a replacement ballot.

HOW TO OBTAIN NEW BALLOT IN PLACE OF ONE SPOILED BY ACCIDENT OR MISTAKE

Any elector who, by accident or mistake, spoils his ballot may, on returning said spoiled ballot, receive another in place thereof.

WARNING

The sections of law printed below list specific conduct or actions which may cause an elector to be subject to criminal prosecution. This is not intended to be a complete printing of all laws pertaining to election violations.

13-35-201; 13-35-202; 13-35-206; 13-35-211; 13-35-214;
13-35-217; and 13-35-218

En. Sec. 106, Ch. 571, L. 1979

Date and Time for Voting: This polling place will be open on _____ from _____ to the close of polls at _____.

This ballot should be marked with an "X" in the square before the name of each individual or candidate for whom the elector intends to vote. The elector may write in or affix a preprinted label in the blank spaces or over any other name, the name of an individual for whom he wishes to vote and vote by marking an "X" in the square before the name. If a ballot contains a constitutional amendment or other issue to be submitted to a vote of the people, it is voted on by marking an "X" in the square before the amendment or issue.

OFFICIAL BALLOT - SCHOOL TRUSTEE ELECTION

School District No. _____ of _____ County, State of Montana.

DATED this _____ day of _____, 20____.

VOTE IN ALL COLUMNS

Instructions for voters: Make an X or similar mark in the vacant square before the name of the candidate for whom you wish to vote.

(Title of Office)
(for a ____ year term)
(Vote for ____)

NAME

NAME

NAME

NAME

NAME

NAME

Note: Include as many lines for write-ins as you have candidates who have filed the appropriate declaration of intents, up to the number of positions you are voting..

(Title of Office)
(for a ____ year term)
(Vote for ____)

NAME

NAME

NAME

NAME

NAME

NAME

Note: Include as many lines for write-ins as you have candidates who have filed the appropriate declaration of intents, up to the number of positions you are voting..

STUB

NO. _____

This ballot should be marked with an "X" in the square before "FOR the additional levy" if you wish to vote in favor of the levy or mark an "X" in the box before "AGAINST the additional levy" if you oppose the tax levy.

School District No. _____ of _____ (County)

DATED this _____ day of _____, 20_____.

Suggested Proposition for Equalized Districts

**OFFICIAL BALLOT
(Equalized District)**

"Equalized" districts budgeting between the BASE and Maximum must obtain voter approval for an increase in the number of dollars budgeted for the over-BASE tax levy. Section **15-10-425, MCA**, requires the ballot proposing to increase the over-BASE levy amount to INCLUDE THE FOLLOWING INFORMATION:

PROPOSITION

Shall the district be authorized to impose an increase in local taxes to support the general fund in the amount of \$ (state the dollars) which is approximately (state the approximate number of mills) mills for the purpose of (state the purpose)? Passage of this proposal will increase the taxes on a home with a market value of \$100,000 by approximately \$ (state number of dollars) and on a home with a market value of \$200,000 by approximately \$ (state number of dollars).

- FOR the additional levy

- AGAINST the additional levy

(The ballot above presents one option. It contains all information required to be included per 15-10-425, MCA. As long as key information is contained in the ballot, trustees are allowed to use their discretion in formulating ballot language for equalized general fund elections.)

NOTE: The proposition lists an approximate number of mills, since taxable valuation and other information necessary to determine an exact number of mills are not available at the time of the election. Actual mills will commonly differ from this estimate.

15-10-425 and 20-9-353 (2), MCA – SUGGESTED ballot for districts budgeting in the equalized range.

STUB

NO.

This ballot should be marked with an "X" in the square before the words "FOR budget authority and any levy" if you are in favor of the proposition or mark an "X" in the square before the words "AGAINST budget authority and any levy if you oppose the proposition.

School District No. _____ of _____ (County)

DATED this _____ day of _____, 20_____.

Required Proposition for Disequalized Districts

**OFFICIAL BALLOT
(Disequalized District)**

"Disequalized" districts budgeting above the Maximum must obtain voter approval for the portion of the budget that exceeds the maximum. Section 20-9-353(3), MCA, requires the ballot for the portion of the budget that exceeds the Maximum MUST be in the following format:

PROPOSITION

Shall the district be authorized to expend the sum of \$ (state the additional amount to be expended) and being approximately (state the number of mills) mills for the purpose of (insert the purpose for which the additional financing is made) ?

- FOR budget authority and any levy
- AGAINST budget authority and any levy

(The ballot language above presents the exact wording of the REQUIRED ballot language. No deviation is allowed by law.)

NOTE: The proposition lists an approximate number of mills, since taxable valuation and other information necessary to determine an exact number of mills are not available at the time of the election. Actual mills will commonly differ from this estimate.

15-10-425 and 20-9-353(3), MCA – REQUIRED ballot for districts budgeting over maximum.

STUB

NO. _____

This ballot should be marked with an "X" in the square before the words "FOR the Flexibility Fund levy" if you are in favor of the proposition or mark an "X" in the square before the words "AGAINST the Flexibility Fund levy" if you oppose the proposition.

School District No. _____ of _____ (County)

DATED this _____ day of _____, 20_____.

**OFFICIAL BALLOT
FLEXIBILITY FUND LEVY**

PROPOSITION

Shall the district be authorized to impose a levy the sum of _____ (state the dollars) dollars and being approximately (state the approximate number of mills) _____ mills to fund the school Flexibility Fund in the school district? Passage of this proposal will increase the taxes on a home with a market value of \$100,000 by approximately \$ _____ (state number of dollars) and on a home with a market value of \$200,000 by approximately \$ _____ (state number of dollars).

- FOR the Flexibility Fund levy

- AGAINST the Flexibility Fund levy

(The ballot above presents one option. It contains all information required to be included per 15-10-425, MCA. As long as key information is contained in the ballot, trustees are allowed to use their discretion in formulating ballot language for equalized general fund elections.)

NOTE: The proposition lists an approximate number of mills, since taxable valuation and other information necessary to determine an exact number of mills are not available at the time of the election. Actual mills will commonly differ from this estimate.

20-9-544(3), MCA – District school flexibility fund levy. (sample recommended)

STUB

NO.

This ballot should be marked with an "X" in the square before the words "FOR the Technology Acquisition and Depreciation Fund levy" if you are in favor of the issue or mark an "X" in the square before the words "AGAINST the Technology Acquisition and Depreciation Fund levy" if you oppose the issue.

School District No. _____ of _____ (County)

DATED this _____ day of _____, 20_____.

**OFFICIAL BALLOT
BUILDING RESERVE LEVY**

PROPOSITION

Shall the district be authorized to impose a building reserve in the amount of
_____ DOLLARS (\$_____) per year for ____ years and being approximately
_____ mills, for a total amount of _____ DOLLARS
(\$_____), for the purpose of _____. Passage of this proposal will result in an annual
tax of \$____ on a home with an assessed market value of \$100,000 and \$____ on a home
with an assessed market value of \$200,000.

____ BUILDING RESERVE – YES
____ BUILDING RESERVE - NO

(The ballot above presents one option. It contains all information required to be included per 15-10-425, MCA. As long as key information is contained in the ballot, trustees are allowed to use their discretion in formulating ballot language for equalized general fund elections.)

NOTE: The proposition lists an approximate number of mills, since taxable valuation and other information necessary to determine an exact number of mills are not available at the time of the election. Actual mills will commonly differ from this estimate.

20-9-502, MCA

STUB

NO.

This ballot should be marked with an "X" in the square before the words "FOR the Technology Acquisition and Depreciation Fund levy" if you are in favor of the issue or mark an "X" in the square before the words "AGAINST the Technology Acquisition and Depreciation Fund levy" if you oppose the issue.

School District No. _____ of _____ (County)

DATED this _____ day of _____, 20_____.

**OFFICIAL BALLOT
TECHNOLOGY FUND LEVY**

PROPOSITION

Shall the district be authorized to annually levy the sum of _____ (state the dollars) dollars and being approximately (state the approximate number of mills) mills for the purpose of purchasing, renting, repairing and maintaining technological equipment, including computers and computer network access and the associated technical training for school district personnel? Passage of this proposal will increase the taxes on a home with a market value of \$100,000 by approximately \$ _____ (state number of dollars) and on a home with a market value of \$200,000 by approximately \$ _____ (state number of dollars).

- FOR the Technology Acquisition and Depreciation Fund levy

- AGAINST the Technology Acquisition and Depreciation Fund levy

(The ballot above presents one option. It contains all information required to be included per 15-10-425, MCA. As long as key information is contained in the ballot, trustees are allowed to use their discretion in formulating ballot language for equalized general fund elections.)

NOTE: The proposition lists an approximate number of mills, since taxable valuation and other information necessary to determine an exact number of mills are not available at the time of the election. Actual mills will commonly differ from this estimate.

20-9-544(3), MCA – Technology Acquisition and Depreciation Fund levy. (sample recommended)

STUB

NO.

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue, make an X or similar mark in the square before the words "BONDS--NO".

School District No. _____ of _____ (County)

DATED this _____ day of _____, 20_____.

**OFFICIAL BALLOT
BOND ELECTION**

PROPOSITION

Shall the board of trustees be authorized to issue and sell (state type of bonds here: general obligation or impact aid revenue) bonds of this school district in the amount of _____ dollars (\$_____), bearing interest at a rate not more than _____ percent (____%) a year, payable semiannually, during a period not more than _____ years, for the purpose _____ (here state the purpose the same way as in the notice of election)?



BONDS -- Yes



BONDS -- No

(The ballot above presents one option. It contains all information required to be included per 20-9-426, MCA. As long as key information is contained in the ballot, trustees are allowed to use their discretion in formulating ballot language for bond elections. **Districts should consult their bond attorney when preparing ballots for bond elections.**)

20-9-426, MCA

STUB

NO. _____

This ballot should be marked with an "X" in the square before the words "APPROVE the Site Acquisition" if you are in favor of the issue or mark an "X" in the square before the words "DISAPPROVE the Site Acquisition" if you oppose the issue.

School District No. _____ of _____(County)

DATED this _____ day of _____, 20_____.

**OFFICIAL BALLOT
LAND ACQUISITION**

PROPOSITION

Shall the school name District #number be authorized to acquire approximately number acres located at legal description of property commonly known as street address as a school building site for price using state source of funds?

- APPROVE the Site Acquisition

- DISAPPROVE the Site Acquisition

(The ballot above presents one option. As long as key information is contained in the ballot, trustees are allowed to use their discretion in formulating ballot language for land acquisition elections.)

20-6-603, MCA

ESTIMATING THE TAX IMPACT OF MILL INCREASES
For School Ballot Issues

HB179, passed by the 2001 Legislature, requires that ballots for school elections must state the estimated property tax impact of a ballot issue on houses with market values of \$100,000 and \$200,000. OPI's budgeting spreadsheets, available at <http://www.opi.state.mt.us/schoolfinance/budget.html> will also perform these calculations.

This example shows how to calculate the tax impact of a FY2005-06 general fund levy increase of \$6,800 on a house valued at \$100,000 and \$200,000. This example assumes the district is proposing a tax increase from \$35,700 to \$42,500 and that taxable valuation was \$1,008,000 for tax year 2004 and is estimated to be \$1,000,000 for tax year 2005.

1	House with Market Value of:	\$100,000	\$200,000
2	Less: Residential Exemption for Tax Year 2005 -- 32% (15-6-201, MCA)	\$ 32,000	\$ 64,000
3	Equals: Market Value after Exemption (line 1 – line 2)	\$ 68,000	\$136,000
4	Times: Assessment Rate (15-6-134, MCA)	3.22% 0.0322	
5	Equals: Taxable Valuation (line 3 X line 4)		\$2,189.60 \$4,379.20
6	Estimated Mills FY2005-06: FY2005-06 Levy Amt divided by (est. 2005 Tax Valuation X 0.001) \$42,500 divided by (\$1,000,000 X 0.001) =	42.50 mills	
7	Prior Year Actual Mills FY2004-05: FY2004-05 Levy Amt divided by (2004 Taxable Valuation X 0.001) \$35,700 divided by (\$1,008,000 X 0.001) =	35.42 mills	
8	Increase (Decrease) in Mills: (line 6 – line 7)	7.08 mills	
9	Impact of Proposed Tax Increase: (line 8 X line 5 X 0.001)	\$15.50	\$31.00

Other requirements of HB179:

- New disclosure requirements apply to elections held on or after October 1, 2001.
- Disclosure requirements apply to a regular or special school election that proposes to impose or raise a mill levy. An election to adopt a general fund budget that exceeds the Maximum is not subject to this disclosure but instead must use ballot language in **20-9-353, MCA**.
- The ballot must include:
 - specific purpose for which the money will be used;
 - specific amount to be raised;
 - approximate number of mills required; and
 - durational limit, if any (i.e., If the law allows one election to levy for a stated number of years, state the number of years. Otherwise, the election applies for one year only.)
- The ballot must state the tax impacts for houses valued at \$100,000 and \$200,000 and MAY ALSO state the tax impact for a house of another value.

**PRESCRIBED FORM FOR PROVISIONAL
BALLOT OUTER ENVELOPE
FOR SCHOOL ELECTIONS**

13-13-601 and 20-20-303, MCA; ARM 44.3.2112

<p>PROVISIONAL BALLOT OUTER ENVELOPE</p> <p>1. VOTER INFORMATION (COMPLETED BY PROVISIONAL ELECTOR)</p> <hr/> <p>PRINTED NAME OF VOTER _____</p> <hr/> <p>FORMER NAME (If applicable) _____</p> <hr/> <p>DATE OF BIRTH _____</p> <hr/> <p>DAYTIME PHONE _____</p> <hr/> <p>REGISTERED ADDRESS _____</p> <hr/> <p>CITY/ZIP CODE _____</p> <hr/> <p>CURRENT ADDRESS (IF DIFFERENT) _____</p> <hr/> <p>CITY/ZIP CODE _____</p> <hr/> <p>MAILING ADDRESS (IF DIFFERENT) _____ CITY/ZIP CODE _____</p> <hr/> <p>Did you RECENTLY register to vote in _____ County? Yes _____ No _____</p> <p style="text-align: center;">Voter Declaration</p> <p>I, _____, (signature of elector) swear that I am eligible to vote in this election and precinct, that all of the information I provided on this form is true to the best of my knowledge and belief and that I am aware of the penalty for false swearing.</p>	<p>2. ELECTION OFFICIAL (Complete before giving ballot to elector)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">COUNTY</th> <th style="width: 33%;">PRECINCT #</th> <th style="width: 33%;">BALLOT STUB #</th> </tr> </thead> <tbody> <tr> <td colspan="3">REASON FOR CHALLENGE OF ELECTOR (Check all that apply):</td> </tr> <tr> <td colspan="3"> <input type="checkbox"/> is not registered as required by law; <input type="checkbox"/> is not 18 years of age or older; <input type="checkbox"/> has not been a resident of the state of Montana and of the county in which the individual offers to vote for at least 30 days; <input type="checkbox"/> is not a citizen of the United States; <input type="checkbox"/> is registered in another county or state; <input type="checkbox"/> is subject to a court order requiring the individual's voter registration to be cancelled; <input type="checkbox"/> is not the registered elector who the individual presenting to vote claims to be; <input type="checkbox"/> is a provisionally registered elector whose status has not been changed to status as a legally registered elector; <input type="checkbox"/> is of unsound mind, as determined by a court; <input type="checkbox"/> has voted before in that election; <input type="checkbox"/> has been convicted of a felony and is serving a sentence in a penal institution; or <input type="checkbox"/> does not have the right to vote due to failing to meet other requirements in the Montana constitution, statutes, or the administrative rules: specifically _____ </td> </tr> <tr> <td colspan="3">ELECTION OFFICIAL SIGNATURE _____ Date _____</td> </tr> </tbody> </table> <p>3. FOR ELECTION OFFICIAL USE ONLY [CODES USED AT OPTION OF ELECTION ADMINISTRATOR]</p> <p>Reg. in Precinct _____ Dist _____ Code _____ Voted in Precinct _____ Dist _____ Code _____</p> <p>(Check all that apply):</p> <p><input type="checkbox"/> Not Registered <input type="checkbox"/> Registered too late <input type="checkbox"/> Returned absentee <input type="checkbox"/> Inactive <input type="checkbox"/> Cancelled for _____ (Reason or Code) on _____ (Date) <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Address Change Needed <input type="checkbox"/> Follow up Contact Needed <input type="checkbox"/> Name Change Needed <input type="checkbox"/> No Follow up Contact Needed <input type="checkbox"/> Resolution of Challenge Needed</p> <p><input type="checkbox"/> Address Change Made <input type="checkbox"/> Follow up Contact Made <input type="checkbox"/> Registration Form Sent <input type="checkbox"/> Challenge Resolved <input type="checkbox"/> Reactivated <input type="checkbox"/> Elector/official resolved eligibility issue</p> <p>Time and date of final eligibility issue resolution, if resolved: Time: _____ Date: _____</p> <p><input type="checkbox"/> Provisional Ballot Counted <input type="checkbox"/> Provisional Ballot Not Counted Reason why counted/not counted:</p>	COUNTY	PRECINCT #	BALLOT STUB #	REASON FOR CHALLENGE OF ELECTOR (Check all that apply):			<input type="checkbox"/> is not registered as required by law; <input type="checkbox"/> is not 18 years of age or older; <input type="checkbox"/> has not been a resident of the state of Montana and of the county in which the individual offers to vote for at least 30 days; <input type="checkbox"/> is not a citizen of the United States; <input type="checkbox"/> is registered in another county or state; <input type="checkbox"/> is subject to a court order requiring the individual's voter registration to be cancelled; <input type="checkbox"/> is not the registered elector who the individual presenting to vote claims to be; <input type="checkbox"/> is a provisionally registered elector whose status has not been changed to status as a legally registered elector; <input type="checkbox"/> is of unsound mind, as determined by a court; <input type="checkbox"/> has voted before in that election; <input type="checkbox"/> has been convicted of a felony and is serving a sentence in a penal institution; or <input type="checkbox"/> does not have the right to vote due to failing to meet other requirements in the Montana constitution, statutes, or the administrative rules: specifically _____			ELECTION OFFICIAL SIGNATURE _____ Date _____		
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ELECTION OFFICIAL SIGNATURE _____ Date _____													

PREScribed FORM FOR PROVISIONAL BALLOT INSTRUCTIONS

13-13-601 and 20-20-303, MCA; ARM 44.3.2112

PROVISIONAL ELECTOR INSTRUCTIONS

You have been asked to vote a provisional ballot due to a challenge on the basis of at least one of the following reasons:

- You are not registered as required by law;
- You are not 18 years of age or older;
- You have not been a resident of the state of Montana and of the county in which you offer to vote for at least 30 days;
- You are not a citizen of the United States;
- You are registered in another county or state;
- You are subject to a court order requiring your voter registration to be cancelled;
- You are not the registered elector who you claim to be;
- You are a provisionally registered elector whose status has not been changed to status as a legally registered elector;
- You are of unsound mind, as determined by a court;
- You have voted before in this election;
- You have been convicted of a felony and are serving a sentence in a penal institution; or
- You do not have the right to vote due to failing to meet other requirements in the Montana constitution, statutes, or the administrative rules; specifically _____

If checked, please provide the following clear and convincing evidence today or by 5:00 p.m. the day after election day, in person, by facsimile, by e-mail, or by mail postmarked by the day after election day, in order for you to verify your identity and/or eligibility to have your provisional ballot counted:

- You are registered as required by law;
- You are 18 years of age or older;
- You have been a resident of the state of Montana and of the county in which you offer to vote for at least 30 days;
- You are a citizen of the United States;
- You are not registered in another county or state;
- You are not subject to a court order requiring your voter registration to be cancelled;
- You are the registered elector who you claim to be;
- You are a provisionally registered elector whose status has been changed to status as a legally registered elector;
- You are not of unsound mind, as determined by a court;
- You have not voted before in this election;
- You have not been convicted of a felony and are not serving a sentence in a penal institution; or
- You have not failed to meet other requirements in the Montana constitution, statutes, or the administrative rules; specifically _____

PROVISIONAL ELECTOR INSTRUCTIONS

How to vote provisionally at the polls:

1. After you have decided to cast a provisional ballot, you will receive a Provisional Ballot Outer Envelope from an election official.
2. Fill out the Provisional Ballot Outer Envelope form, including the affirmation, and receive your provisional ballot(s) and materials after you have signed the precinct register.
3. Follow all posted instructions and mark your choices on the provisional ballot(s).
4. Remove the voted ballot stub(s) and place them in the Provisional Ballot Outer Envelope. Place the voted provisional ballot(s) in the Provisional Ballot Secrecy Envelope and seal this envelope.
5. Place sealed Provisional Ballot Secrecy Envelope, with voted ballot(s) inside, in the Provisional Ballot Outer Envelope.
6. The Provisional Ballot Outer Envelope should now contain your voted ballot stub(s), and the sealed Secrecy Envelope with your voted ballot(s).
7. Provide the Provisional Ballot Outer Envelope to an election official, who will place your envelope into a Provisional Ballot Container.

In order to contact the office of the election administrator for information or to determine whether your provisional ballot was counted, please call (406) _____ - _____, fax (406) _____ - _____, or send email to _____.

In addition, the most expedient means possible will be used to notify you whether or not your provisional ballot was counted.

ELECTION OFFICIAL USE (Complete before giving ballot to elector:)

For Reference, your Provisional Ballot Number (the number on your ballot stub) is: _____.

Your Precinct Number is: _____.

PRESCRIBED FORM FOR PROVISIONAL BALLOT SECRECY ENVELOPE

13-13-601, MCA

Recommendation: **Color** the envelope brightly to identify it easily as containing a provisional ballot.

Provisional Ballot Secrecy Envelope

Elector: Place voted ballot in this envelope and seal. Then place this envelope into the provisional ballot outer envelope that has identifying information.

DO NOT MAKE ANY MARK OF IDENTIFICATION ON THIS ENVELOPE

**PRESCRIBED FORM FOR UNVERIFIED
PROVISIONAL BALLOT CONTAINER**
13-15-107, MCA

Unverified Provisional Ballot Container

This container holds unverified provisional ballot envelopes cast by electors voting in Precinct _____ of _____ County in the _____, 20____ election.

This container shall be handled as directed by the election administrator.

**PRESCRIBED FORM FOR
VERIFIED PROVISIONAL BALLOT CONTAINER**
13-15-107, MCA

Verified Provisional Ballot Container

This container holds verified provisional ballot envelopes pending counting, which were cast by electors voting in

Precinct _____ of _____ County
in the _____, 20____ election.

This container shall be handled as directed by the election administrator.

ABSENTEE VOTING IN SCHOOL DISTRICT ELECTIONS

1. Any qualified, registered elector may apply for a ballot at any time after the posting of the notice of the election.
2. Application for an absentee ballot shall be made in writing to the school district clerk AND the county election administrator if non-school issues are being considered on that Election Day. A sample form follows. Third parties, with the exception of immediate family and guardians, may not send applications for absentee ballots to the election administrator. **13-13-213, MCA**
3. Application blanks shall be sent by the school district clerk/election administrator to any elector requesting the same. The school district clerk/election administrator shall, upon receipt of an application, compare the signature on the application to the signature on the voter registration card. If convinced that the applicant is the same as the one whose name appears on the registration card, he/she shall deliver or mail the ballot.
4. The school district clerk/election administrator will immediately mail ballots, with (a) a secrecy envelope, free of any marks that would identify the voter; (b) a self-addressed, return envelope with affirmation printed on the back of the envelope; and (c) instructions, to each elector from which a valid application has been received.
5. The voter, before casting the ballot, shall sign the affidavit on the return envelope and then such voter shall mark the ballot without exposing his/her vote, fold the ballot, place such ballot in the secrecy envelope and securely seal. The sealed secrecy envelope shall then be placed in the self-addressed, return envelope and sealed. Said envelope shall be mailed by the voter or delivered to the school district clerk/election administrator.
6. Upon receipt of such envelope, the school district clerk/election administrator shall immediately attach the elector's application to the envelope and mark the precinct number for delivery to the polls or counting center.

13-13-212, 13-13-213, 13-13-214, 13-13-221 and 13-13-241, MCA

**SUGGESTED FORM OF THE INSTRUCTIONS FOR VOTING AN
ABSENTEE OR MAIL BALLOT**
13-13-214, MCA

CONTENTS OF THE VOTING PACKET:

Include, and list as included with these instructions, the official ballot, the secrecy envelope, and a return envelope with affirmation.

TO VOTE:

Include general instructions here on marking each ballot issue or candidate including the use of any marking tool, and, for writing in a candidate name, include the requirement that people who use a pre-printed label or write in a candidate name must still mark the designated voting area. Also, note that after voting the elector must fold the ballot and insert it in the secrecy envelope, and seal the secrecy envelope.

Next, instruct the elector to place the secrecy envelope inside the return envelope and seal it, and tell the elector that the elector must complete and sign the affirmation on the back of the return envelope for the ballot to be counted.

SPECIFICS ON MARKING, CORRECTING, AND REQUESTING A NEW BALLOT:

In this section, you may wish to provide each elector with a diagram on how to mark their ballots, and in the case of an opti-scan ballot, that the elector should not make an X or a check mark. The elector should not cross out, erase, or use correction fluid on the ballot and if the elector makes an error, the elector should request a new ballot.

According to laws in effect starting in 2004, each elector needs to be notified that the elector has overvoted and allowed the opportunity to correct an overvote before casting the ballots, OR each voter must be educated on the effect of casting multiple votes for an office, and provided with instructions on how to correct the ballot before it is cast and counted (including as above, instructions on how to correct the error through the issuance of a replacement ballot if the elector was unable to change the ballot or correct any error). Therefore, you may wish to educate the elector in these instructions, and provide an example of an overvote.

**PLEASE GIVE THIS MATTER YOUR IMMEDIATE
ATTENTION SO THAT YOUR BALLOT WILL BE
RECEIVED IN TIME TO BE COUNTED.**

COUNTY

ELECTION ADMINISTRATOR

**SUGGESTED FORM FOR OPTIONAL NOTICE
TO THIRD PARTY ORGANIZATIONS REGARDING
ABSENTEE BALLOT APPLICATION RESTRICTIONS**
13-13-213, MCA

Dear Organization:

This is to inform you that pursuant to a change in 13-13-213, MCA, which is effective October 1, 2003, an elector is required to mail an absentee ballot application directly to the election administrator or deliver the application in person to the election administrator.

With the exception of an immediate family member, as defined in 15-30-602, MCA, or a guardian, a third party **may not** collect applications for absentee ballots from electors and forward the applications to the election administrator.

However, an elector who requests an absentee ballot due to sudden illness or health emergency may request the assistance of an absentee election board which may as necessary bring the application and ballot to an elector to assist the elector in voting.

Also, please note that this law does **not** restrict an elector from designating a person to pick up a ballot for the elector. The election administrator may deliver a ballot in person to an individual other than the elector if:

- (i) the elector has designated the individual, either by a signed letter or by making the designation on the application form in a manner prescribed by the secretary of state;
- (ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the ballot;
- (iii) the election administrator believes that the individual receiving the ballot is the designated person; and
- (iv) the designated person has not previously picked up ballots for four other electors.

Please inform your membership regarding this information.

13-13-214, MCA

APPLICATION FOR ABSENTEE BALLOT

Note: The minimum acceptable prescribed form for an application for an absentee ballot **must** include a written request for the absentee ballot, the elector's current residence address, and the elector's birth date and signature. Additional recommended statements include the election for which the elector is requesting an absentee ballot and the address to which the elector wants the ballot mailed. Electors are **strongly encouraged** to use the form used by election administrators, which appears below.

During a period beginning 75 days before election day and ending at noon on the day before the election, an elector may submit this application for an absentee ballot to the county election administrator. Voters must apply for each election separately.

The elector may request this application by mail, phone, or in person, and may mail the application directly to the election administrator or deliver it in person to the election administrator. **Only the person requesting an absentee ballot, an immediate family member, or a guardian may forward this application to the election administrator.**

I, _____ (print your name legibly), the undersigned, with a birth date of _____, being a duly qualified elector of _____ County, whose residence address in said county is _____, do hereby make application for an official absentee ballot for the upcoming _____ (example: school, general, primary, other) election to be held in said county.

I authorize my official absentee ballot to be mailed to me at this address (please print):

By signing below I understand that I am requesting an official absentee ballot.

Signature of elector

Date signed

VOTER INFORMATION PAMPHLET REQUEST (also available at <http://sos.state.mt.us> when a statewide issue is on ballot)

I would like a Voter Information Pamphlet to be sent to me along with my absentee ballot.

TO DESIGNATE SOMEONE TO PICK UP YOUR ABSENTEE BALLOT FOR YOU:

If you do not want your absentee ballot mailed directly to you, but want someone to pick it up for you, please check the box below and complete this section.

I am designating _____ (name of individual) to pick up my absentee ballot and deliver it to me.

IF YOU ARE AN INDIVIDUAL RECEIVING AN ABSENTEE BALLOT FOR ANOTHER PERSON(S):

ABSENTEE BALLOT RECEIPT: On this _____ day of _____, 20_____, I received the absentee ballot of _____ (name of requestor of absentee ballot).

Signature of absentee ballot recipient _____

**PRESCRIBED FORM OF THE FRONT
SIDE OF THE ABSENTEE SECRECY ENVELOPE
FOR SCHOOL ELECTIONS**
13-13-214, MCA

DIRECTIONS TO VOTER

After you have marked your ballot, seal in this envelope.

Do not write on or make any mark of identification on this envelope; otherwise, the secrecy of your ballot may be lost.

After you have sealed your ballot in this envelope, put this Ballot Secrecy Envelope in the envelope that has the Voter's Affirmation and is addressed to your county election administrator.

CAUTION TO VOTERS

Be sure to return your ballot so that it is received no later than the day of the election.

BALLOT SECRECY ENVELOPE

Do not write on or make any mark or identification on this envelope.

**PRESCRIBED FORM FOR AFFIRMATION FOR
ABSENTEE BALLOT ENVELOPE**
13-13-214, MCA

I, _____, do hereby affirm that I am a resident of Precinct No. _____ and reside at _____, in the town or city of _____, County of _____, State of Montana, and entitled to vote in such precinct in the election.

Date _____
Signature of Elector

Remember to do the following before sending your absentee ballot (you may use the following as a checklist):

- Mark your ballot with an acceptable writing instrument and place it in the secrecy envelope.
- Complete, date and sign the above affirmation.
- Place sufficient postage on your outside envelope in order for it to reach the election administrator's office.

CERTIFICATE AND RECORD OF ABSENTEE BALLOTS

(Name of School District and No.)

(Date)

(Election)

(Sec. 13-13-233 MCA) Election Administrator's record of official ballots issued to Absent Voters, one of each of said ballots numbered with like ballot numbers, being delivered or mailed to each registered Absent Voter applying for same as follows:

APPLICATION RECEIVED	REGISTRY NUMBER	NAMES OF ABSENT VOTERS	BALLOTS DELIVERED OR MAILED TO ABSENT VOTER		PAPER BALLOT NUMBER		RETURNED IN TIME: DELIVERED TO POLLS	BALLOTS DELIVERED BY WHOM
			DATE 20__	ADDRESS				
					1			
					2			
					3			
					4			
					5			
					6			
					7			
					8			
					9			
					10			
					11			
					12			
					13			
					14			

County of _____, State of Montana, I hereby certify to the judges of the above named election and school district that the foregoing is a true record of the numbers of the ballots delivered or mailed to absent voters registered in said school district, as well as those marked before me, and the names of the voters to whom such ballots were delivered or mailed, or by whom they were marked, if marked before me, to the best of my knowledge and belief.

DATED this ____ day of _____, 20____ Election Administrator _____ or deputy _____ Sheet # _____ of _____

COUNTY
STATE OF MONTANA

OATH OF THE JUDGES OF ELECTION

STATE OF MONTANA)
)
County of _____) ss.

OATH OF OFFICE

I, _____, do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity (so help me God).

Sworn to and subscribed before me this _____ day of _____, 20_____.

(District Clerk/ Election Administrator/Other Election Judge)

20-20-410 Oath of Judges. Before votes are cast, the school election judges shall take and subscribe the official oath prescribed by the Constitution. The election judges may administer the oath to each other.

[Article III, section 3, Montana Constitution]

TALLY SHEET – TRUSTEE ELECTION

<u>Name of Candidate</u>	<u>Term</u>	<u>Tally</u>
1. _____	_____	Total Votes Cast: _____
*****	_____	_____
2. _____	_____	Total Votes Cast: _____
*****	_____	_____
3. _____	_____	Total Votes Cast: _____
*****	_____	_____
4. _____	_____	Total Votes Cast: _____
*****	_____	_____
5. _____	_____	Total Votes Cast: _____
*****	_____	_____

STATE OF MONTANA)
County of _____) ss.

We, the Judges of the school election, hereby verify that the above tally is true and correct to the best of our knowledge.

Print Election Judge's Name

Signature of Election Judge

Print Election Judge's Name

Signature of Election Judge

Print Election Judge's Name

Signature of Election Judge

Print Clerk's Name

Signature of Clerk

Subscribed and sworn to this _____ day of _____, 20_____.
.....

TALLY SHEET – PROPOSITION

Proposition: _____

Total Votes Cast: _____

FOR Proposition: No. of votes cast

AGAINST Proposition: No. of votes cast

We, the Judges of the school election, hereby verify that the above tally is true and correct to the best of our knowledge.

Print Election Judge's Name	Signature of Election Judge
Print Election Judge's Name	Signature of Election Judge
Print Election Judge's Name	Signature of Election Judge
Print Clerk's Name	Signature of Clerk

Subscribed and sworn to this _____ day of _____, 20 _____.

**TALLY SHEET - PROPOSITION
ELECTION JUDGES' RETURN SHEET
FOR**

(Proposition)

School District No. _____, _____ County, State of Montana

Name of District

Number of votes FOR _____

Number of votes AGAINST _____

Number of ballots REJECTED _____

Number of Total Ballots _____

We the undersigned hereby certify that the number of ballots was cast as herein set forth.

DATED this _____ day of _____, 20 _____.

Print Election Judge's Name

Signature of Election Judge

Print Election Judge's Name

Signature of Election Judge

Print Election Judge's Name

Signature of Election Judge

Print Clerk's Name

Signature of Clerk

Subscribed and sworn to this _____ day of _____, 20 _____.

(Judges may use this form to certify the election returns in place of a certified tally sheet.)

CERTIFICATE OF ELECTION OF TRUSTEE

To: _____ of _____

THIS IS TO CERTIFY that at the Regular School Election of School District No. _____ of _____ County, State of Montana, held on _____ day of _____, 20____, at (location) _____, _____ (name of candidate) _____ was duly elected to fill the office of Trustee for the term of _____ years, beginning _____ day of _____, 20 _____ and ending _____ day of _____, 20 _____.

Clerk, School District No. _____

_____ County, State of Montana

DATED this _____ day of _____, 20_____

Please file the following oath with the county superintendent within fifteen (15) days of your receipt of this Certificate of Election. Upon completion of taking and filing the oath of office, you will have the rights and obligations of a Trustee of the School Board in accordance with **20-3-324, MCA**. You will hold this position until your successor has been qualified.

OATH OF OFFICE

I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity.

Print newly elected Trustee's Name

Signature of newly elected Trustee

Subscribed and sworn to before me this _____ day of _____, 20 _____

Print County Superintendent's Name

Signature of County Superintendent

Note: Canvassed results must be published once in a newspaper that will give notice to the largest number of people of the district. Send the certificate and oath to the elected trustee and the county superintendent.

20-20-416 and 20-3-307, MCA

CERTIFICATE OF TRUSTEE APPOINTMENT

TO _____ OF DISTRICT NO. _____

OF _____, COUNTY, MONTANA:

THIS IS TO CERTIFY, THAT ON THIS _____ DAY OF

_____, _____ (name of appointed trustee) WAS APPOINTED

TO FILL THE OFFICE OF TRUSTEE UNTIL THE NEXT ANNUAL ELECTION OF

SAID DISTRICT IN ACCORDANCE WITH 20-3-309, MCA.

MCA 20-3-309. Filling vacated trustee position. (1) Whenever a trustee position becomes vacant, the remaining members of the trustees shall declare such position vacant and they shall appoint, in writing within 60 days, a competent person as successor...If the trustees do not make the appointment within such 60-day period, the county superintendent shall appoint, in writing, a competent person as successor and notify such person of his appointment. (3) Any person assuming a trustee position under the provisions of this section shall serve until the next regular school election and his successor has qualified.

Board Chair

County Superintendent of Schools

School District No. _____

County

OATH OF OFFICE

I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity.

Print Trustee Name

Signature of Trustee

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF
_____, _____.

Print County Superintendent's Name

Signature of County Superintendent

Note: Send the certificate and oath to the appointed trustee and the county superintendent. Appointed trustees must file the oath of office within 15 days after receiving notice of appointment. Canvassed results must be published once in a newspaper that will give notice to the largest number of people of the district.

CERTIFICATE OF PROPOSITION ELECTION RESULTS

School District No. _____

County, State of Montana

WHEREAS, an election was held for _____ School District No. _____, _____ County, State of Montana on _____ day of _____, 20_____, at which the following proposition was considered:

Proposition Title _____

WHEREAS, the total number of registered electors who were eligible to vote in the election was _____.

WHEREAS, the canvass of the votes established the following:

Proposition Title _____

Number of Votes FOR _____ Number of Votes AGAINST _____

NOW, THEREFORE, BE IT CERTIFIED that _____ has been approved by the district electors.

Print Chair's Name
Chair, School District No. _____

Signature of Chair

_____, County, Montana

Address _____

Print District Clerk's Name
District Clerk, School District No. _____

Signature of District Clerk

_____, County, Montana

Address _____

DATED this _____ day of _____, 20_____

Note: Canvassed results must be published once in a newspaper that will give notice to the largest number of people of the district.

20-20-416, MCA

CERTIFICATE OF ELECTION FOR SPECIAL ELECTION

(Specify purpose of election)

To the _____ County Superintendent:

We, the undersigned trustees, certify that the taxpayers of School District No. _____ of _____ County, State of Montana, on _____ day of _____, 20____, voted on the following proposition:

Number of votes FOR: _____

Number of votes AGAINST: _____

*	_____ (Print Trustee's name)	_____ (Trustee's signature)
*	_____ (Print Trustee's name)	_____ (Trustee's signature)
*	_____ (Print Trustee's name)	_____ (Trustee's signature)
*	_____ (Print Trustee's name)	_____ (Trustee's signature)

The proposition was thereby _____ (approved or disapproved).

*Signatures of Trustees of _____ School District No. _____

DATED this _____ day of _____, 20_____.

Note: Canvassed results must be published once in a newspaper that will give notice to the largest number of people of the district. Send the certificate to the entity ordering the election within 15 days of the election.

20-20-416, MCA

PRESCRIBED WRITTEN PLAN FOR MAIL BALLOT ELECTIONS

Page 1 of 2
13-19-205, MCA

1. Legal name of jurisdiction: _____

2. Jurisdiction is: County Municipality School Drainage Fire
 Irrigation Water & Sewer Other: _____

(If applicable, check one: Creation Bond Trustee) Other: _____

3. Type of election:
 Regular election for the district with no other elections taking place at the polls on this day in the district
 Special election on ballot issues with no other elections taking place at the polls on this day in the district
 Other: _____

4. Election Day is: _____ and estimated number of eligible electors is: _____

5. The jurisdiction involves: a single county district a multi-county district

6. If the jurisdiction is multi-county list all election administrators and counties/school districts involved: _____
(all parties listed in this section must sign on next page)

7. One person chiefly responsible for election: _____

8. If election is for school district purposes, the election will be conducted by: school clerk election administrator

9. Proportional voting: is not required for this election. is required for this election.

10. If proportional voting is required, state the applicable statute: _____ and give method you will use to satisfy the statutory requirements for proportional voting: _____

11. Voting is not permitted by electors who are eligible but otherwise not registered in the jurisdiction.
 is permitted by electors who are eligible but otherwise not registered in the jurisdiction.

12. If voting is permitted by electors eligible but not registered in the jurisdiction, state applicable statute(s): _____

Describe the eligibility requirements in the statute(s) _____

13. Number of places of deposit _____ If other than your office, list places and addresses: _____

If you plan to hold several elections of different types on the same day, and your procedures will be the same for all elections, complete both pages of this form for one of the elections, and the first page only for each of the other elections. Attach and return all sheets, along with a completed timetable.

PRESCRIBED WRITTEN PLAN FOR MAIL BALLOT ELECTIONS

Page 2 of 2
13-19-205, MCA

FOR EACH OF THE FOLLOWING, PLEASE EXPLAIN WHAT YOU WILL DO:

14. If ballots are returned as undeliverable: _____

Note: Undeliverable ballots must be filed securely, retained and available for individuals to come in and vote. The Election Administrator shall mail a confirmation notice to the elector whose ballot was returned undeliverable and follow the guidelines in 13-19-313, MCA.

15. When ballots are returned by elector for counting, postage will be paid by: _____

16. If elector is required to apply postage, insufficient postage will be handled by: _____

17. For a school election conducted by the school district clerk, give a brief narrative of the procedures to be followed from the time ballots are received from the electors until they are tabulated, including a description of procedures for transport of ballots to and from the County Election Administrator for signature verification:
-
-
-

18. Describe procedures you will use to ensure security for the ballots: _____
-
-
-

Submitted by: _____
County/School District: _____
Date submitted: _____

Election Administrator(s):

Signature: _____ County: _____

Signature: _____ County: _____

Signature: _____ County: _____

Signature: _____ School District: _____

BE SURE TO ENCLOSE YOUR WRITTEN TIMETABLE!

TIMETABLE FOR SCHOOL MAIL BALLOT ELECTIONS

(pursuant to §13-19-205 MCA)

(Annotated Form for School Mail Ballot Elections)

(According to §20-20-102 MCA, "Should there be a conflict between the requirements of Title 13 and the provisions of this title regulating school elections, the provisions of this title shall govern.")

CALENDAR DATE ACTIVITY SPECIFIED UNDER TITLE 13

____ Copy of written plan to governing body (no date set by law, but should be at least no later than 60 days before election) (*No date set by law in school election laws.*)

____ Submission of written plan to Secretary of State (no later than 60 days before election)
(This law should be followed since it does not appear to conflict with school election laws. School election laws specify at §20-20-201 MCA that "At least 40 days before any school election, the trustees of any district shall call such school election by resolution . . . The resolution calling any school election shall be transmitted to the county election administrator no later than 35 days before the election.")

____ Last day for governing body to opt out (no later than 55 days before election)
(This law should be followed unless, as in §20-3-313 MCA, trustees cancel an election no later than 25 days before the election if the number of candidates filing is equal to the number of positions to be elected and there is no reason to hold an election.)

____ Approval by Secretary of State (within 5 days of receiving written plan from the election administrator)

____ Publish notice of election, if applicable (Special §13-1-108 MCA) or (Regular §13-1-401 MCA (4))

(§20-20-204 MCA governs since it specifies that trustees shall give notice of the election not less than 20 days or more than 30 days before the day of the election. Please consult §20-20-204 MCA for additional specific laws.)

____ Close of registration as provided by §13-2-301 MCA (30 days before election)

(§20-20-311 MCA specifies in relevant part that "Registration for school elections shall close for 30 days before any school election . . ." so school and regular election laws are identical.)

____ Date ballots mailed (no sooner than 25 days or later than 15 days before election)

(§13-19-207 MCA specifies that all ballots must be mailed the same day. The general law for school elections is that absentee ballots are available at least 20 days before the election, except bond elections not held in conjunction with school elections (30 days). School and mail ballot laws are generally consistent, allowing absentee ballots to be available, but not necessarily mailed, before the single date on which they are mailed.)

____ Election Day

This schedule must be attached to the written plan for this mail ballot election.

Submitted by: _____

Date: _____

REPLACEMENT MAIL BALLOT REQUEST

I, _____ (print name), do hereby request a replacement ballot for the mail ballot election to be held _____ day of _____, 20_____, in _____ County, State of Montana, for the following reason (check one):

I did not receive the ballot mailed to me.

The ballot mailed to me has been:

spoiled damaged

lost destroyed

I hereby certify, under penalty of law, that the above information is true and correct, and that I understand attempting to vote more than once in any election is a violation of Montana election law.

Signature of voter _____

Address of voter _____

The above named individual has sworn and subscribed before me that the information is true and correct, and the voter has been issued a replacement ballot pursuant to **13-19-305, MCA**.

Signature of officer issuing oath _____

Position of officer issuing oath _____

DATED this _____ day of _____, 20_____.

(If notarized, include the following information.)

STATE OF MONTANA)
) ss.
County of _____)

Signed and sworn to (or affirmed) before me this _____ day of _____, 20_____,
by _____ (name of applicant). (SEAL)

(Signature of Notary Public of the State of Montana)

(Title and Rank)

Residing at: _____

My Commission Expires: _____

Signature of Election Administrator

13-19-305, MCA

1/25/2005

**PREScribed FORM OF THE FRONT SIDE OF THE
SECrecy MAIL BALLOT ENVELOPE**
REQUIRED UNDER 44.9.401, ADMINISTRATIVE RULES OF MONTANA,
AND 13-13-214, MCA

DIRECTIONS TO VOTER

After you have marked your ballot, seal in this envelope.

Do not write on or make any mark of identification on this envelope; otherwise, the secrecy of your ballot may be lost.

After you have sealed your ballot in this envelope, put this Ballot Secrecy Envelope in the envelope that has the Voter's Affirmation and is addressed to your county election administrator.

CAUTION TO VOTERS

Be sure to return your ballot so that it is received no later than the day of the election.

BALLOT SECrecy ENVELOPE

Do not write on or make any mark or identification on this envelope.

**PRESCRIBED FORM OF THE FLAP SIDE OF THE
RETURN/VERIFICATION MAIL BALLOT ENVELOPE
REQUIRED UNDER 44.9.402, ADMINISTRATIVE RULES OF MONTANA**

<p>Sign Here</p> <p>(Label)</p>	<p>VOTER'S STATEMENT</p> <p>I, the undersigned, hereby swear/affirm that I am registered to vote in Montana or that I am entitled to vote in this election because of special provisions; that I have not voted another ballot; that I have completed this ballot in secret, and that the address listed on this envelope is my correct address (or if it is not, my correct mailing address is: _____). I understand that attempting to vote more than once is a violation of Montana election laws. I further understand that failure to complete the information below will invalidate my ballot.</p> <p>Signature of Elector _____</p> <p>Today's Date _____</p>
---------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

DISTRICT RESIDENCY FORM
CERTIFICATE OF ERROR

STATE OF MONTANA)
) ss.
County of _____))

I, _____ DO HEREBY CERTIFY that I signed this affidavit
to obtain a (name of district) _____ School District No. _____ ballot
for the reason that I now live within this District at the following address:

_____ (Street and Number or Post Office Box)

_____ (City, State and ZIP Code)

_____ (Signature of Elector)

VERIFIED VIA TELEPHONE from the Election Department the above name is a current
Registered Elector.

Subscribed and sworn to before me this _____ day of _____, 20____.

_____ (Signature of Election Judge)

13-2-603, MCA

CERTIFICATION OF MATERIALS FOR ATTORNEY GENERAL'S REVIEW

STATE OF MONTANA)
) ss.
County of _____))

I, _____ clerk of _____ School
District No. _____ of _____ County, State of Montana,
hereby certify that the attached exhibits are true and correct copies of the documents they purport
to represent.

DATED this _____ day of _____, 20 ____.

(Signature of District Clerk) School District No. _____

CERTIFICATE OF APPOINTMENT OF CLERK

To: (name of appointee) _____

THIS IS TO CERTIFY, that at a ("regular" or "special") _____ meeting of the Board of Trustees of School District No. _____ of _____ County, State of Montana, which was held on _____ day of _____ 20_____, (state name) _____, you were duly appointed to fill the office of District Clerk to serve during the pleasure of the Board (state term) _____.

<hr/> <hr/> <hr/> <hr/>	} Trustees for District No. _____
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OATH OF OFFICE (Optional)

I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity.

Print newly elected Clerk's Name

Signature of newly elected Clerk

Subscribed and sworn to before me this _____ day of _____, 20____

Print County Superintendent's Name

Signature of County Superintendent

DATED this _____ day of _____, 20____

20-1-202, MCA

(This form is to be presented to the clerk after the trustees' reorganizational meeting.)

GLOSSARY OF TERMS AND PROCEDURES

Absentee Ballot: A ballot for qualified electors who will be unable to vote at the polls.

Ballot: A piece of paper or punch card listing one or more candidates and offices sought, and possibly containing ballot issues or propositions, upon which a voter marks his or her choice either by making a physical mark or using a mechanical device to designate a choice.

Ballot issue: A proposal submitted to the electors for their approval or rejection.

Certificate of Election: After canvassing votes, the results of the election are formally issued to:

1. the elected trustee (if a trustee election) and to the county superintendent designating the term of the trustee position that was just elected.
2. if an election for a proposition, a certificate specifying the outcome to the official or public body which ordered the election within 15 days after the election.
3. if an election ordered by trustee resolution, canvassed votes shall be published immediately in a newspaper that will give notice to the largest number of people of the district.

County Election Administrator: County Clerk and Recorder or individual designated by a county governing body to be responsible for all the election administration duties.

Elections: See regular, general, special and primary elections.

Election Administrator: School district clerk for school elections.

Election by Acclamation: Declaration by the trustees under MCA 20-3-313 to issue a certificate of election without holding an election. Used when the number of trustee candidates is equal to the number of available trustee positions.

Election Clerk: An appointee who is one of the election judges (see the election judges' section).

Election Judge: A trustee-appointed registered voter.

Election Oath: Oath taken by trustees and election judges before assuming their official duties. See Official Election Oath.

Electors: Registered voters.

General Election: An election held throughout the state every year on the 1st Tuesday after the 1st Monday of November. This election is for the purpose of electing statewide, county and city office holders and considering other ballot issues.

Issue (or ballot issue): A proposal submitted to the electors for their approval or rejection.

Mail Ballot Election: Any election that involves either candidates or ballot issues and is conducted by mail in compliance with the procedure specified in 13-19-102 and 13-19-106, MCA.

GLOSSARY OF TERMS AND PROCEDURES (cont'd)

Official Election Oath: Per Montana Constitution, Art. III, Section 3, the oath required for trustees and election judges: "I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity (so help me God)."

Political Subdivision: An electoral district of the state, including a school district.

Polling Site: The place where a registered voter casts his or her ballot.

Precinct: An election district of a city or town.

Precinct Register: An alphabetical list of names and addresses of the registered elector with a space for the signature of the elector and such other information prescribed by the Secretary of State.

Primary Election: An election held throughout the state to nominate candidates for public office. Held on the first Tuesday after the first Monday in June in even-numbered years or held on the Tuesday following the second Monday in September in odd-numbered years.

Proposition: A proposal or ballot issue.

Provisional ballots: Ballots cast by voters whose eligibility has not been verified in accordance with law.

Public Office: A state, county, municipal, school or other district office that is filled by the people at an election.

Regular School Election: An annual election held on the first Tuesday after the first Monday of May.

Referendum: The principle or practice of submitting to popular vote a measure passed on or proposed by a legislative body or by popular initiative.

Registrar: The county election administrator and any regularly appointed deputy or assistant election administrator.

Return Verification Envelope: an envelope used for mail ballot elections that contains a secrecy envelope and ballot designed to:

- allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is, in fact, a qualified elector and who has not already voted; and
- allow it to be used in the United States mail.

Secrecy Envelope: An envelope used to contain the elector's ballot and that is designed to conceal the elector's vote and to prevent the elector's ballot from being distinguished from the ballots of other electors.

GLOSSARY OF TERMS AND PROCEDURES (cont'd)

Special Election: An election other than a statutorily scheduled primary or general election. Can be held at any time for any purpose provided by law.

Ward: A division of a city or town for administrative and representative purposes.